

WMA Board & Energy Council (EC)

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
Don Biddle, 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

**AMENDED
AGENDA**

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

Wednesday, October 25, 2017

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.

Page **V. CONSENT CALENDAR**

- 1 **1. Approval of the Draft Minutes of September 27, 2017 (Wendy Sommer)**
- 7 **2. Alameda County Operational Area Emergency Management Organization (Meghan Starkey)**
That the WMA Board adopt the attached Resolution to Join the Alameda County Operational Area Agreement.

VI. REGULAR CALENDAR

- 17 **1. Executive Director Contract Amendment (President Michael Hannon)**
That the Waste Management Authority Board amend the Executive Director Employment Agreement with an increase of five percent effective the pay period starting September 24, 2017.
- 21 **2. Rules of Procedure: Changes from Programs & Administration Committee (Wendy Sommer)**
That the Board decide whether to replace Robert's Rules of Order with Rosenberg's as the Board parliamentary rules and adopt the revisions to the WMA Board Rules of Procedure.
- 53 **3. Recycling Markets Update (Tom Padia)**
This item is for information only.
- 59 **4. Schools Program Overview (Angelina Vergara)**
This item is for information only.
- 5. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer)**
(P&O and Recycling Board meeting, November 9, 2017 at 7:00 pm, Hayward City Hall, 777 B Street, Hayward, CA 94541)

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, September 27, 2017

3:00 P.M.

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

Teleconference

**Jim Oddie
Hyatt Regency Fukuoka
2-14-1 Hakataeki Higashi,
Hakata-Ku
Fukuoka, Japan, 812-0013
Tel: + 81 92 412 1234**

I. CALL TO ORDER

President Mike Hannon, WMA, called the meeting to order at 3:00 p.m.

II. ROLL CALL

WMA & EC:

City of Alameda
City of Albany
City of Berkeley
Castro Valley Sanitary District
City of Dublin
City of Emeryville
City of Hayward
City of Livermore
City of Newark
City of Oakland
City of Pleasanton
Oro Loma Sanitary District
City of San Leandro

Jim Oddie, WMA, EC (teleconference)
Peter Maass, WMA, EC
Kriss Worthington, WMA, EC
Dave Sadoff, WMA
Don Biddle, WMA, EC
Dianne Martinez, WMA, EC
Sara Lamnin, WMA, EC
Bob Carling, WMA, EC
Mike Hannon, WMA, EC
Dan Kalb, WMA, EC
Jerry Pentin, WMA, EC
Shelia Young, WMA
Deborah Cox, WMA, EC

ABSENT:

County of Alameda
City of Fremont
City of Piedmont
City of Union City

Keith Carson, WMA, EC
Vinnie Bacon, WMA, EC
Tim Rood, WMA, EC
Lorin Ellis, WMA, EC

Staff Participating:

Wendy Sommer, Executive Director
Tom Padia, Deputy Executive Director
Karen Kho, Senior Program Manager
Jennifer West, Program Manager
Brian Mathews, Senior Program Manager
Teresa Eade, Senior Program Manager
Richard Taylor, WMA Legal Counsel
Arliss Dunn, Clerk of the Board

Others Participating:

Martin Bond, Community Energy Services Corporation (CESC)

III. ANNOUNCEMENTS BY THE PRESIDENTS

President Hannon reordered the agenda. Items VI. 3 and VI. 4 were moved to follow the closed session items.

IV. CONSENT CALENDAR

- 1. Approval of the Draft Minutes of July 26, 2017 (Wendy Sommer)**
- 2. Minutes of the August 15, 2017 Technical Advisory Group (Karen Kho)**

There were no public comments on the Consent Calendar. Board member Lamnin made the motion to approve the Consent Calendar with the correction noted below. Board member Pentin seconded and the motion carried: 14-0. The Clerk called the roll:

(Ayes: Biddle, Carling, Cox, Hannon, Kalb, Lamnin, Maass, Martinez, Oddie, Pentin, Sadoff, Young. Nays: None. Abstain: None. Absent: Bacon, Carson, Ellis, Rood, Worthington.)

Correction: Board members Sadoff and Young, non-members of the Energy Council, were incorrectly listed as voting for the Energy Council agenda item. The vote count of 19-0 remained unchanged.

V. OPEN PUBLIC DISCUSSION

There were no public comments for public discussion. Executive Director Wendy Sommer acknowledged Brian Mathews and Teresa Eade on their retirement from the agency. Ms. Sommer recognized their 20+ years of service and their significant accomplishments and contributions to the agency. Mr. Mathews and Ms. Eade expressed their appreciation for working with the Board and staff and acknowledged some of the programs and initiatives during their tenure. President Hannon thanked Ms. Eade and Mr. Mathews for their 20+ years of dedicated public service.

VI. REGULAR CALENDAR

- 1. Changes to the Waste Management Authority Rules of Procedure (Wendy Sommer & Richard Taylor)**

That the WMA Board approve the attached amendments to the Rules of Procedure and that the Energy Council President direct staff to make comparable amendments to the Rules of Procedure for the Energy Council and place those amendments on the consent calendar for the next regular meeting of the Energy Council.

WMA Legal Counsel Richard Taylor and Executive Director Wendy Sommer provided a summary of the staff report. The report is available here: [WMA-Rules-of-Procedure-09-27-17.pdf](https://www.wma-wisconsin.org/Portals/0/2017-09-27/WMA-Rules-of-Procedure-09-27-17.pdf)

Board member Young suggested under Other Revisions item #3, to add to the italicized statement: Board members who did not attend a prior meeting of the Board or of a Committee *“but have read the minutes”* may nonetheless vote on approval of the minutes of that meeting. Board member Sadoff suggested under Article 5, Committees, Section 5-11, to add the italicized statement: the meeting of the Committee shall be specifically scheduled by *“a majority vote of”* the Committee, and in Section 5-12, to add an “s” to the absent member. Board member Young inquired of the President if the Board could vote on the mechanics of the changes to the document as recommended by staff and then to forward the document to the Programs and Administration Committee for a more thorough review. Board member Young added she has particular concerns regarding public comments and teleconferencing. President Hannon stated that it is a good recommendation. President Hannon stated that he is unable to serve as a WMA interim appointment to the Recycling Board due to the Recycling Board and his own City Council meeting times. He inquired if it is possible to discuss opportunities for making changes to the meeting time that would be of benefit to the entire Board. Legal Counsel stated that the Recycling Board sets its own rules and this is an appropriate time to ask staff to discuss the issue with the Recycling Board.

There were no public comments on this item. Board member Sadoff inquired if Board member Young was introducing a motion. Board member Young made the motion to approve the staff recommendation with the minor amendment to direct staff to discuss the Recycling Board meeting time with the Recycling Board. Board member Biddle seconded and the motion carried 14-0: The Clerk called the roll:

(Ayes: Biddle, Carling, Cox, Hannon, Kalb, Lamnin, Maass, Martinez, Oddie, Pentin, Sadoff, Young. Nays: None. Abstain: None. Absent: Bacon, Carson, Ellis, Rood, Worthington).

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

(P&O and Recycling Board meeting, October 12, 2017 at 4:00 pm, StopWaste Offices, 1537 Webster Street, Oakland, CA)

There were no public comments on this item. There were no requests for an interim appointment.

Energy Council President Martinez chaired the Energy Council items.

3. 2017 BayREN Contract Amendment (Karen Kho) (EC only)

That the Energy Council adopt the attached resolution authorizing the Executive Director to enter into an amended contract with ABAG for Bay Area Regional Energy Network (BayREN) and other related actions.

(This item was heard after the closed session). Karen Kho introduced Ben Cooper, Program Manager. Mr. Cooper is the new Program Manager for the energy team and will be working on the Energy Commission Multi-Family grant. Ms. Kho provided an overview of the staff report. The report is available here:

[2017-BayREN-Contract-Amendment-09-27-17.pdf](#)

Board member Carling stated that the first part of the staff memo was unclear as to whether the agency was receiving funding or distributing the funding and asked that staff going forward provide clarity on the intent of the funding in the opening summary. President Martinez inquired about the planned social media presence for the activity. Ms. Kho stated that the program is operating on a shoestring budget and there is not a significant marketing budget. The program website <http://homescoreca.org/> is a resource where consumers can find information. There are also collateral materials that are distributed by member agencies and the assessors as well. We have also created postcards for assessors in co-op areas to use as direct marketing tools for specific customers. Board member Lamnin inquired regarding the \$50k for marketing activities. Ms. Kho stated that the \$50k was for the marketing campaign in 2016 and a similar campaign is proposed for 2017 as well and she would be happy to discuss the details. Board member

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Lamnin inquired if any of the unspent funds could be used to assist homeowners in implementing the improvements. Ms. Kho stated that the committee didn't consider this as an option because they anticipated that there would be unspent rebate funds from the single-family program. Board member Lamnin inquired if there had been any discussion regarding additional marketing of the program across the region. Ms. Kho stated there had not been any discussion regarding geographic equity because based on the projections of the single-family program they don't think that they could fully subscribe to target projections. Board member Lamnin inquired about the deadline for the funds. Ms. Kho stated that available funds will expire in December 2017.

There were no public comments on this item. Board member Biddle made the motion to approve the staff recommendation. Board member Worthington seconded and the motion carried 11-2. The clerk called the roll: Ayes: Biddle, Carling, Cox, Hannon, Kalb, Maass, Martinez, Pentin, Worthington. Nays: Lamnin. Abstain: None. Absent: Bacon, Carson, Ellis, Oddie, Rood).

4. 2017 EBEW Contract Amendment (Jennifer West) (EC only)

That the Energy Council adopt the attached resolution to authorize the Executive Director to enter into an amended contract with PG&E and with CESC and other related actions.

(This item was heard after the closed session). Jennifer West provided an overview of the staff report. The staff report is available here: [2017-EBEW-Contract-Amendment-09-27-17.pdf](#)

Ms. West introduced Martin Bond, Executive Director of Community Energy Services Corporation (CESC). Mr. Bond was available to answer any questions. Mr. Bond thanked the Board and staff for their partnership. President Martinez inquired if the program is an online calculator tool. Mr. Bond stated that CESC provides an Energy Manager to small businesses to analyze their utility bills to provide low cost energy savings opportunities as well as capital improvement projects. Board member Carling inquired if there would be a financial impact to the agency. Mr. Bond stated that it is PG&E contracted funds. Ms. West added these are pass-through funds and the agency has already taken the administrative fee through the larger contract. President Martinez asked for an estimate of the percentage of pass-through funds in the Energy Council budget. Ms. Sommer estimated about 80% to be pass-through funds and added a portion of those funds benefit member agencies as well. Ms. Sommer stated that the agency receives an administrative fee when administering any grant. Ms. West added PG&E also has direct contracts with some of the implementer providers and she can provide that information. Board member Lamnin asked that staff provide more transparency in the staff reports regarding how finances are allocated.

There were no public comments on this item. Board member Kalb made the motion to approve the staff recommendation. Board member Cox seconded and the motion carried 13-0. The clerk called the roll: (Ayes: Biddle, Carling, Cox, Hannon, Kalb, Lamnin, Maass, Martinez, Pentin, Worthington. Nays: None. Abstain: None. Absent: Bacon, Carson, Ellis, Oddie, Rood).

The Board convened to closed session at 3:18 p.m. to discuss an Employee Performance Evaluation and returned to open session at 4:23 p.m.

5. CLOSED SESSION (WMA only)

Pursuant to Government Code Section 54957

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Executive Director

(Confidential materials mailed separately)

6. CLOSED SESSION (WMA only)

Pursuant to Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representatives: Board Members Hannon, Sadoff, Rood, Kalb

Unrepresented Employee: Executive Director

There was nothing to report from the closed sessions.

VII. COMMUNICATION/MEMBER COMMENTS

Board member Lamnin announced that she had received a request from constituents regarding ordinances related to banning straws and plastic utensils and would like further information on the scope of the issue. Ms. Sommer inquired if the Board would like to have an item on this issue. President Martinez stated that she would like to have an information item on the issue and announced that the City of Alameda had recently passed a ban on straws. Board member Cox stated that it would be better to have an “on demand” ban as the disabled community heavily relies on plastic straws. President Martinez added she would like to have more carrot and less stick. Ms. Sommer reminded the Board that during the priority setting process the Board agreed to not adopt any additional mandatory ordinances for the next two years and we still have one year to go. Board member Lamnin stated that Walgreens and CVS stores are participating in the take back of prescription drugs but are not doing so in Hayward. She would like the Board to discuss the issue to see if we can address geographic equity.

Board member Young announced that Oro Loma Sanitary District had a very successful one day Household Hazardous Waste drop off event. The event serviced 100 people per hour. The customers preregistered and the event was very efficient and there was no waiting lines. Board member Young added we should increase the number of events held each year as the events are very successful in helping us reach our diversion goals. Ms. Sommer stated that the agency target is 12 events per year and the issue is finding suitable sites to host the event.

VIII. ADJOURNMENT

The meeting was adjourned at 4:48 p.m.

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DATE: October 25, 2017

TO: Waste Management Authority Board

FROM: Wendy Sommer, Executive Director

BY: Meghan Starkey, Senior Program Manager

SUBJECT: Alameda County Operational Area Emergency Management Organization

SUMMARY

The Alameda County Sheriff's Department has approached us to renew our participation in the Alameda County Operational Area Emergency Management Agreement. Alameda County created a new operational agreement in May 2016, which updates the previous agreement that the Waste Management Authority joined in 2008, and is now seeking a new resolution from the WMA.

DISCUSSION

At the October 12 Planning Committee meeting, staff recommended that the Planning Committee recommend that the WMA Board adopt the attached Resolution to Join the Alameda County Operational Area Agreement. By adopting the attached resolution, the WMA will be an official partner in the organization and provide support to the emergency response in case of a disaster.

The report submitted to the Planning Committee can be found here: [Alameda County Operational Area Agreement](#). The Planning Committee recommended by a vote of 9-0 (Peltz and Pentin absent) that the WMA Board approve the attached Resolution to Join the Alameda County Operational Area Organization.

RECOMMENDATION

That the WMA Board adopt the attached Resolution to Join the Alameda County Operational Area Agreement.

Attachment A: Resolution to Join the Alameda County Operational Area Agreement

Attachment B: Alameda County Operational Area Agreement

Attachment A
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
RESOLUTION #WMA 2017 –
MOVED:
SECONDED:
AT THE MEETING HELD OCTOBER 25, 2017

JOINING OF ALAMEDA COUNTY OPERATIONAL AREA AGREEMENT

WHEREAS, the potential for a major catastrophe due to natural or human-caused disaster causes all government entities within Alameda County to be prepared to share resources and information among themselves as well as with the State of California in order to protect public welfare; and

WHEREAS, greater efficiency and disaster preparedness, response, recovery, and mitigation can be achieved by joining the efforts of the County of Alameda, its cities, special districts and other public benefit non-profit corporations together in pre-disaster agreements; and

WHEREAS, the California Emergency Services Act makes reference to the “operational area” and defines it as “an intermediate level of the state emergency services organization” created to perform extraordinary functions for local governments within a county area such as strengthening mutual coordination, providing a focal point and conduit for disaster information, and assisting in the efficient management of resources; and

WHEREAS, the sharing of resources in an emergency among public is coordinated under the auspices of the California Master Mutual Aid Agreement;

NOW THEREFORE, BE IT RESOLVED that the Alameda County Waste Management Authority joins the Operational Area Agreement through this resolution.

ADOPTED 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 Resolution # 2017-

WENDY SOMMER
Executive Director

Alameda County Sheriff's Office

Lakeside Plaza, 1401 Lakeside Drive, 12th Floor, Oakland, CA 94612-4305



Gregory J. Ahern, Sheriff

Director of Emergency Services
Coroner - Marshal

AGENDA ITEM NO. _____ May 10, 2016

May 3, 2016

Honorable Board of Supervisors
County Administration Building
1221 Oak Street
Oakland, CA 94612

SUBJECT: APPROVE AN AGREEMENT FOR PARTICIPATION IN THE ALAMEDA COUNTY OPERATIONAL AREA EMERGENCY MANAGEMENT ORGANIZATION

Dear Board Members:

RECOMMENDATION:

Approve an agreement for participation in the Alameda County Operational Area Emergency Management Organization with cities, special districts and other public benefit non-profit corporations to provide foundational policies and procedures that define how Alameda County will effectively prepare for, respond to, recover from and mitigate natural or human-caused disasters.

DISCUSSION/SUMMARY:

The preservation of life, property and the environment is the responsibility of local, state and federal government. Alameda County, in cooperation with the cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City, special districts and other public benefit non-profit corporations has decided to enter into an agreement for the purpose of ensuring a unified and coordinated effort between state and local government agencies to facilitate mutual aid and to ensure the effective and efficient use of regional and local resources in the event of a catastrophe.

The Alameda County Operational Area is an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the County area.

The agreement incorporates and coordinates available facilities and personnel of the County into an efficient and effective organization by establishing tasks, specific policies and general procedures using the Standardized Emergency Management System. This will provide for the most effective and economical allocation of resources.

May 3, 2016

This agreement provides a foundation for that relationship and addresses key issues such as communications, equipment use, medical services, budgetary transactions and resources related to environmental, ecological, recreational and economic issues.

This agreement has been approved as to form by County Counsel and Risk Management.

FINANCING:

No additional appropriation is required. This request will not impact the net County cost in FY 2015-16 or subsequent years.

Respectfully submitted,



Gregory J. Ahern
Sheriff-Coroner

GJA:MMM:mmm

**AGREEMENT FOR PARTICIPATION
IN ALAMEDA COUNTY
OPERATIONAL AREA
EMERGENCY MANAGEMENT ORGANIZATION**

This Agreement is made this 10th day of May, 2016 by and between the County of Alameda and the cities, special districts, and other public benefit non-profit corporations that are parties to this Agreement.

WHEREAS, the potential for a major catastrophe due to natural or manmade disaster requires all government entities within Alameda County to be prepared to share resources and information among themselves as well as with the State of California in order to protect public welfare; and

WHEREAS, greater efficiency and disaster preparedness response, recovery, and mitigation can be achieved by joining the efforts of the County of Alameda, the Cities, Special Districts, and other public benefit non-profit corporations together in pre-disaster agreements; and

WHEREAS, the California Emergency Services Act makes reference to the "operational area" and defines it as "an intermediate level of the state emergency services organization" created to perform extraordinary functions for local governments within a county area such as strengthening mutual coordination, providing a focal point and conduit for disaster information, and assisting in the efficient management of resources;

**THE COUNTY, CITIES, SPECIAL DISTRICTS, AND OTHER PUBLIC BENEFIT
NON-PROFIT CORPORATIONS AGREE AS FOLLOWS:**

**1. RECOGNITION OF AND PARTICIPATION IN AN OPERATIONAL AREA
EMERGENCY MANAGEMENT ORGANIZATION**

The parties to this Agreement recognize an Operational Area, as the term is defined in the California Emergency Services Act (*California Government Code §8550 et seq.*) which designates an intermediate level of organization, cooperation, and planning between public entities within Alameda County boundaries.

The County of Alameda, cities, special districts, and other public benefit non-profit corporations that are parties to this Agreement shall participate in this organizational structure, which is a partnership for a systematic approach for exchanging disaster intelligence, mutual aid requests, and resource requests in emergencies and also to provide emergency preparedness on a day-to-day basis through cooperative training and exercise activities.

The Operational Area Emergency Management Organization will be the primary contact point during an emergency in Alameda County for sharing disaster intelligence among local agencies and between the Operational Area Emergency Management Organization and state and federal agencies requesting information.

C-2016-45

The Operational Area Emergency Management Organization will assist parties to this agreement to share resources before, during, and after an emergency, as well as to prepare, respond, and recover from disasters that strike Alameda County. The Operational Area Emergency Management Organization will prioritize competing needs according to the policies and procedures approved by the Operational Area Council.

Each of the parties to this Agreement will designate individuals to be trained to represent their agency in the Operational Area Emergency Management Organization. The training will be an orientation on the policies and procedures of the Operational Area Emergency Management Organization. Each party to this Agreement will also designate, in writing, a line of succession of officials who are empowered to represent the party to the Operational Area Emergency Management Organization.

2. CONSIDERATION

The consideration under this Agreement is the mutual advantage of protection afforded to each of the parties to this Agreement. There shall not be any monetary compensation required from any to another party as a condition of assistance provided under the agreement, except for reimbursement of direct costs as designated in mutual aid agreements. Nothing in this agreement shall be construed as altering any preexisting disaster response agreements between the parties.

3. STANDARDIZED EMERGENCY MANAGEMENT SYSTEM

The Operational Area Emergency Management Organization and its policies and procedures will be regulated by the Standardized Emergency Management System as stated in *California Government Code §8607*, and its implementing regulations, *California Code of Regulations, Title 19, Division 2, Office of Emergency Services, Standardized Emergency Management System*, and guidelines. The incident command system and a multi-agency coordination system, as described in those regulations and guidelines, will be used for coordination and direction of the parties to this agreement participating in emergency efforts. The *Alameda County Emergency Operations Plan* shall be the primary method and criteria used to conduct Operational Area Emergency Operations Center activities.

4. OPERATIONAL AREA COORDINATOR

The Sheriff/Director of Emergency Services is the Operational Area Coordinator. It is the responsibility of the Operational Area Coordinator to oversee the operation of the Operational Area Emergency Management Organization and to reasonably interpret the terms of this agreement.

It is the responsibility of the Operational Area Coordinator to encourage equal representation by parties to the agreement on a day-to-day basis and to include representatives of affected parties to this agreement and mutual aid coordinators in the operational decision making before, during, and after a disaster strikes Alameda County.

5. COUNCIL

An Operational Area Council is hereby established consisting of a representational membership of the party jurisdictions to this Agreement. The Council shall include one voting representative from each of the following:

- a. The President of the **Board of Supervisors**, or his/her designee;
- b. The **Sheriff/Director of Emergency Services**, or his/her designated alternate;
- c. The **Alameda County Administrator**, or his/her designated alternate;
- d. The **County Agency Heads** having primary functional responsibilities in a disaster, or their designated alternates;

Including, but not limited to:

- 1. Auditor-Controller
 - 2. Fire Department
 - 3. General Services Agency
 - 4. Health Care Services
 - 5. Human Resource Services
 - 6. Public Works Agency
 - 7. Sheriff's Office
 - 8. Social Services Agency
- e. The President of the **Alameda County Emergency Managers' Association**, or his/her designated alternate;
 - f. The President of the **Alameda County Fire Chiefs' Association**, or his/her designated alternate;
 - g. The President of the **Alameda County Chiefs of Police and Sheriff's Association**, or his/her designated alternate;
 - h. A City Manager of a **North County City**, or his/her designated alternate, chosen annually by the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont to represent them in the Council;
 - i. A City Manager of a **South County City**, or his/her designated alternate, chosen annually by the cities of Fremont, Hayward, Newark, San Leandro, and Union City to represent them in the Council;
 - j. A City Manager of an **East County City**, or his/her designated alternate, chosen annually by the cities of Dublin, Livermore, and Pleasanton to represent them in the Council;

- k. A General Manager of a **Regional District** based in Alameda County, or his/her designated alternate, chosen annually by participating regional districts, defined as a special district having service areas in more than one county, to represent them in the Council;
- l. A General Manager of a **Special District**, or his/her designated alternate, chosen annually by participating special districts having their entire service area within the boundaries of Alameda County to represent them in the Council;
- m. The **Alameda County Superintendent of Schools**, or his/her designated alternate, to represent the school districts of Alameda County;
- n. A Director of a **Public Benefit Non-profit Corporation**, or his/her designated alternate, chosen annually by the Alameda County Voluntary Organizations Active in Disaster executive committee to represent them in the Council;
- o. A Chief Executive Officer or President, or his/her designated alternate, of a **private sector company** doing business in this county that is an active member of the Emergency Managers' Association of Alameda County and is selected annually by the Operational Area Coordinator; and
- p. Such representatives of **other organizations**, either civic, business, labor, veterans, professional or other organizations having an official group or organization having disaster responsibility and may be appointed by the Operational Area Coordinator.

It is the responsibility of the Operational Area Council to set the policies and procedures for the governing of the Operational Area Emergency Management Organization and to review and approve recommendations for changes to these policies and procedures on an annual basis. The Operational Area Council will also serve as the Alameda County Civil Defense and Disaster Council, as described in the *Alameda County Administrative Code, Chapter VI*. The County of Alameda will supply staff support for the Operational Area Council.

6. PROVISION OF FACILITIES AND SUPPORT

The County of Alameda shall provide its emergency operations center as the site for the Operational Area Emergency Management Organization. The County of Alameda will provide support staff for the emergency operations center and all reasonable supplies for the Operational Area Emergency Management Organization during actual activations, drills, and exercises. All parties to this Agreement may provide representatives for decision making and liaison to operational elements of the Operational Area Emergency Management Organization when activated.

The Operational Area Emergency Management Organization will facilitate the mutual aid systems used by local agencies to assist each other in a disaster with the resources necessary to save lives, mitigate property loss, and meet the basic needs of the people.

7. TERM OF AGREEMENT

This Agreement shall be effective from the date executed by all parties until December 31, 2025. This Agreement may be terminated prior to the conclusion of the term by mutual agreement of a majority of the member parties.

8. WITHDRAWAL OF PARTY

Any party to this Agreement may withdraw as a party to this Agreement prior to the termination of the term of this Agreement upon giving thirty (30) days prior written notice to all other parties.

9. ADDITIONAL PARTIES

Additional parties, who are public entities within the geographical boundaries of Alameda County, may join in this Agreement and become a member party upon execution of an Exhibit to this Agreement in which the entity agrees to be subject to the conditions and terms of this Agreement. The executed Exhibit shall become a part of this Agreement automatically after the expiration of thirty (30) days following notification by the new party to all other parties to the execution of the exhibit. Thereafter, the entity shall be considered to be a party of this Agreement unless the entity withdraws as provided herein. Provided however, in the event any existing party to the Agreement gives all other parties notice of its objection to the addition of the particular entity becoming a member to this Agreement within the thirty (30) day notice period, the addition of such party to this Agreement shall require the consent of a two-thirds majority to the then member parties.

10. INDEMNIFICATION AND HOLD HARMLESS

Each of the parties agree to indemnify and hold the other parties harmless and waives all claims for compensation for any loss, damage, personal injury, or death incurred in consequences of the acts or omissions of the indemnifying parties' own employees and agents in the performance of this Agreement.

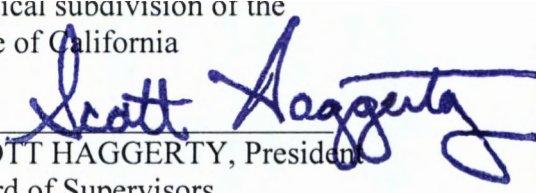
It is the intent of the parties that, where negligence is determined to have been contributory, principles of comparative fault will be followed and each party shall bear the proportionate costs of any loss, damage, expense, and liability attributable to the party's negligence.

11. SALARIES, EMPLOYMENT AND WORKERS COMPENSATION BENEFITS

The salaries, employment and workers compensation benefits of each employee participating in the Operational Area Emergency Management Organization shall be the responsibility of the party employing the individual. It is understood that each party's employees have no rights, benefits, or special employment status conferred by reason of this Agreement.

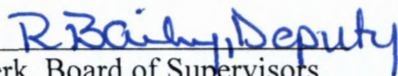
IN WITNESS WHEREOF THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS FOLLOWS:

COUNTY OF ALAMEDA, a
political subdivision of the
State of California

By 
SCOTT HAGGERTY, President
Board of Supervisors

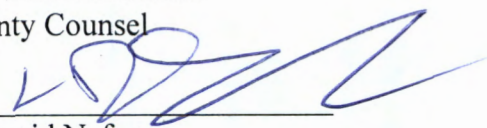
I hereby certify under penalty of perjury that the President of the Board of Supervisors was duly authorized to execute this document on behalf of the County of Alameda by a majority vote of the Board on May 10, 2016; and that a copy has been delivered to the President as provided by Government Code section 25163.

ATTEST: ANIKA CAMPBELL-BELTON
Clerk, Board of Supervisors
Alameda County, California

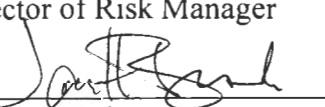
By 
R. Bailey, Deputy
Clerk, Board of Supervisors

APPROVED AS TO FORM AND CONTENT:

DONNA ZEIGLER
County Counsel

By 
L. David Nefouse
Deputy County Counsel

BARBARA LUBBEN
Director of Risk Manager

By 
Janette Brook



DATE: October 25, 2017
TO: Waste Management Authority Board
FROM: Michael Hannon, WMA President
SUBJECT: Executive Director Contract Amendment

SUMMARY

Last month, the Board approved the annual review for Executive Director Wendy Sommer conducted by myself, Dave Sadoff, Tim Rood and Dan Kalb. The four of us also served as the negotiating team for the Board.

Based on the annual review, we recommend an increase of five percent effective the pay period starting September 24, 2017. This amounts to \$11,385 per year, since her current salary is \$227,700. Payment will be retroactive to the pay period closest to October 1, which is consistent with the Employee Agreement and the time that other employees receive salary increases.

RECOMMENDATION

That the Waste Management Authority Board amend the Executive Director Employment Agreement with an increase of five percent effective the pay period starting September 24, 2017.

Attachment: Proposed Amendment to the Executive Director Employment Agreement

**AMENDMENT TO
AGREEMENT FOR EMPLOYMENT AS EXECUTIVE DIRECTOR
OF THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY**

This amendment agreement is between the ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY ("WMA") and Wendy Sommer ("Employee") and provides:

WHEREAS, WMA hired Employee as Executive Director of the WMA beginning on January 1, 2016 pursuant to an agreement dated September 16, 2015 ("Employment Agreement"); and

WHEREAS, the original Employment Agreement was amended on November 16, 2016 to increase Employee's salary to \$227,700; and

WHEREAS, WMA desires to continue to employ Employee as Executive Director and further amend the Employment Agreement based on Employee's positive annual review for 2017 by increasing Employee's salary by 5% from \$227,700 per year to \$239,085 per year.

NOW THEREFORE, in consideration of the mutual covenants contained herein the parties agree as follows:

1. Section 5 of the Employment Agreement is amended as shown below:

5. SALARY.

~~Beginning on the Effective Date~~ **Effective September 24, 2017**, Authority agrees to pay Employee ~~\$220,000 (Two hundred twenty thousand dollars)~~ **\$ 239,085** (Two hundred thirty-nine thousand eighty-five dollars) per annum ("salary") for her services, payable in installments at the same time as other employees of the WMA are paid. WMA may increase this base salary annually based on the results of performance evaluation as described in Section 7. In the event the Board does not hold such evaluation prior to the end of the calendar year, the base salary shall be increased on the next anniversary of the Effective Date by the California CPI for Urban Wage Earners and Clerical Workers for the most recent 12 months between June and June as calculated by the Department of Industrial Relations as authorized by Government Code §§ 3511.1 and 3511.2. Payment will be retroactive to the pay period closest to October 1st, which is consistent with the time that other employees receive salary increases.

Counterpart # _

2. All other terms of the Employment Agreement remain in full force and effect.
3. This Agreement shall be executed simultaneously in three counterparts which shall be identified by number and each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

WMA Board:

By: _____ Date: _____
Michael Hannon, President
Alameda County Waste Management Authority

APPROVED AS TO FORM:

By: _____ Date: _____
Richard S. Taylor
WMA Counsel

EMPLOYEE:

By: _____ Date: _____
Wendy Sommer

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DATE: October 25, 2017

TO: Waste Management Authority Board

FROM: Wendy Sommer, Executive Director

SUBJECT: Rules of Procedure: Changes from Programs & Administration Committee

SUMMARY

The Programs and Administration (P&A) Committee reviewed the recently amended Rules of Procedure at its October 12, 2017 meeting and suggested some clarifications and revisions. At the October 25, 2017 meeting, the WMA Board will be asked to adopt changes suggested by the P&A Committee.

DISCUSSION

On September 27, 2017, by a vote of 14-0 (Bacon, Carson, Ellis, Rood, Worthington absent) the WMA Board approved changes to its Rules of Procedure. The staff report outlining these changes can be found at [Rules-of-Procedure-Changes-09-27-17.pdf](#). At that time, Board member Young requested that this document be reviewed by the P&A Committee to determine if other revisions are needed.

The P&A Committee discussed and suggested some clarifications to the Rules of Procedure, specifically the following items:

- The Board is referenced as “WMA Board” throughout the document for consistency.
- No WMA Board member may serve more than one term in the same leadership position on the WMA Board within a two-year time frame. This does not limit a person who has served in one office for a year serving in a different office the following year (e.g., the First Vice President in one year serving as the President the next year).
- Teleconferencing: WMA Board members who are unable to attend a meeting in person are encouraged to have their member agency’s alternate attend in their place.
- Adds detail to the existing rule that if a WMA Board member is ineligible to vote, the member must leave the Board table. If the ineligibility is due to a conflict of interest under the Political Reform Act, the member’s disclosure shall include the information required by the Act, and the member shall leave the room and not be counted towards a quorum.

Rosenberg’s Rules of Order

One suggestion for the Board to discuss is the use of Rosenberg’s Rules of Order (Attachment C) as our parliamentary rules, instead of Robert’s Rules of Order. Rosenberg’s Rules of Order was developed by California Superior Court Judge Rosenberg as a way to simplify the rules and make them easier to follow. Hundreds of jurisdictions throughout California have opted to use Rosenberg’s in lieu of Robert’s Rules

of Order. Within Alameda County, the City of Fremont and Castro Valley Sanitary District use Rosenberg's Rules of Order. The City of Livermore uses Rosenberg's as a model and the City of Piedmont uses Sturgis' but references Rosenberg's. Should the Board decides to use Rosenberg's Rules of Order, Section 4-2 will be adjusted and these Rules will be attached as an Exhibit to the WMA Board Rules of Procedure.

RECOMMENDATION

That the Board decide whether to replace Robert's Rules of Order with Rosenberg's as the Board parliamentary rules and adopt the revisions to the WMA Board Rules of Procedure.

Attachments:

Attachment A - WMA Board Rules of Procedure (clean version)

Attachment B – WMA Board Rules of Procedure (redline version)

Attachment C – Rosenberg's Rules of Order

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

WASTE MANAGEMENT AUTHORITY BOARD

RULES OF PROCEDURE

REVISED SEPTEMBER 27, 2017 [To be updated]

Article 1

General Provisions

- Section 1-1 Name of Board The name of the Board is the Alameda County Waste Management Authority Board (hereinafter referenced as “WMA Board”).
- Section 1-2 Authority for Rules These rules apply to the WMA Board (including Committees of the WMA Board) and are adopted pursuant to the Joint Exercise of Powers Agreement for Waste Management dated February 13, 1990, as it may be amended from time to time. The provisions of said agreement are herein incorporated by reference.
- Section 1-3 Purpose of Rules The purpose of these rules is to provide for the orderly and fair conduct of the meetings of the WMA Board.

Article 2

Organization of WMA Board

- Section 2-1 Composition of WMA Board The WMA Board is composed of seventeen (17) members and seventeen (17) alternates appointed pursuant to the agreement creating the Alameda County Waste Management Authority (hereinafter referenced as “WMA”).
- Section 2-2 Officers The Officers of the WMA Board shall be a President, First Vice-President and Second Vice-President, who shall serve until the elections of their successors in accordance with Section 2-3.
- Section 2-3 Election of Officers The Officers shall be elected at the regular meeting of the WMA in the month of June of each year. They shall be elected by a majority of the total authorized vote of the WMA Board and shall serve from July 1 through June 30 of the following year. No member may serve more than one term in the same leadership position on the WMA Board within a two-year time frame. This does not limit a person who has served in one office for a year serving in a

different office the following year (e.g., the First Vice President in one year serving as the President the next year).

- Section 2-4 Executive Director The WMA Board shall appoint an Executive Director of the WMA who shall be responsible for, among other duties, administration of WMA programs.
- Section 2-5 Duties of President The President shall preside at all meetings of the WMA Board and shall conduct the business of the WMA Board in the manner prescribed by these Rules. The President shall preserve order and decorum and shall decide all questions of order subject to the action of a majority of the WMA Board.
- Section 2-6 Duties of the First and Second Vice-President In the absence or inability of the President to act, the Vice Presidents shall perform the duties of the President in the order of the succession.
- Section 2-7 Duties of Executive Director In addition to the duties set forth in the Joint Exercise of Powers Agreement, the Executive Director shall perform the following duties:
- (a) Prepare an agenda for each meeting of the WMA Board;
 - (b) Attend each meeting of the WMA Board;
 - (c) Appoint a Clerk of the Board to:
 - (i) Notify all WMA Board members of the time and place of each meeting;
 - (ii) Maintain a record of all proceedings of the WMA Board;
 - (iii) Maintain all records of the WMA ;
 - (iv) Maintain records of the proceedings of the WMA Board and its committees ; and
 - (v) Attest to the WMA Board's approval of ordinances, resolutions, and other expressions of WMA Board policy.
 - (d) Perform other duties directed by law, the Officers, or the WMA Board. These duties may be delegated as determined necessary by the Executive Director.

Article 3
Meetings of WMA Board

- Section 3-1 Regular Meetings Regular monthly meetings will be held at 3:00 p.m. on the fourth Wednesday of the month, except for the months of November and December when the meetings will be held at 3:00 p.m. on the third Wednesday of the month.
- Section 3-1.1 Cancellation and/or Reschedule of Regular Meetings Any regular meeting of the WMA Board may be canceled or rescheduled by the President, or the Executive Director on the direction of the President, no less than seven (7) calendar days prior to the scheduled date of such meeting. Notification of cancellation or reschedule shall be mailed to all parties who are notified of regular meetings of the WMA Board.
- Section 3-2 Special Meetings Special meetings of the WMA Board may be called by order of the President or by a majority of the members. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.
- Section 3-3 Adjourned Meetings Any regular meeting of the WMA Board may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular meeting. Any special meeting may be adjourned, and any adjourned special meeting is part of the special meeting.
- Section 3-4 Effect of Holiday If any meeting day or adjourned meeting day falls on a holiday, the meeting of the WMA Board shall be specially scheduled by the WMA Board.
- Section 3-5 Quorum A majority of the members of the WMA Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time pursuant to Section 3-6 of these Rules.
- Section 3-6 Absence of Quorum In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.

- Section 3-7 Notice of Meetings All meetings of the WMA Board shall be held subject to the provisions of the Ralph M. Brown Act (see Sections 54950 et. seq. of the California Government Code) and other applicable laws of the State of California requiring notice of meetings of the WMA Board.
- Section 3-8 Teleconferencing WMA Board members who are unable to attend a meeting in person are encouraged to have their member agency's alternate attend in their place. WMA Board members unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section. No more than four WMA Board members may utilize teleconferencing at a WMA Board meeting at no more than four teleconferencing locations. A WMA Board member wishing to utilize teleconferencing should notify the Clerk of the Board prior to the release of the agenda for the affected WMA Board meeting of the teleconference location that is accessible to the public. Agendas are typically released five (5) days in advance of the meeting. The Clerk of the Board will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a WMA Board meeting where teleconferencing is utilized will be taken by roll call. If more than four members request teleconferencing, the four selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the WMA Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.
- Section 3-9 Compensation WMA Board members and alternates are compensated in accordance with compensation policies approved by the WMA Board. WMA Board members must attend a WMA Board meeting to be compensated for that meeting. An agency appointed alternate may be compensated only if WMA member from that agency is not present at the meeting.

Article 4
Conduct of Meetings

- Section 4-1 Order of Business The business of each meeting of the WMA Board shall be transacted as far as is practicable in the following order:
- (a) Call to order;
 - (b) Roll call of attendance;
 - (c) Announcements by President;
 - (d) Open public discussion from the floor;
 - (e) Approval of minutes of prior meetings (may be included in the consent calendar);
 - (f) Consent calendar;
 - (g) Regular calendar;
 - (h) Member comments and communications from the Executive Director; and
 - (i) Adjournment.

The above order of business may be suspended or changed at any time upon order of the President. The consent calendar may contain those matters the nature of which have been determined by the Executive Director to be routine, and items that have been recommended by a Committee for WMA Board approval, and will be approved by a single action. Any item shall be removed from the consent calendar and placed for discussion on the regular calendar at the request of any member. WMA Board members who were not in attendance at a meeting but have read the minutes of the meeting may vote in connection with approval of those minutes. The regular calendar shall contain all other matters and business.

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 WMA, but not listed on the agenda. Each speaker is limited to three minutes unless a shorter period of time is set by the President.

- Section 4-2 Parliamentary Rules The rules and procedures set forth in Robert's Rules of Order are hereby adopted for the government of the WMA Board in all cases not otherwise provided for in these rules.

- Section 4-3 Vote Required A two-thirds majority of the total authorized vote shall be required for expenditures of \$500,000 or more. Except as provided by the Joint Powers Agreement (specifically amendments to

the JPA and approval of a new member to the JPA which also require a two-thirds majority of the authorized vote), a majority of the authorized vote shall be required for all other actions.

An abstention to vote by any member shall be construed as that member not voting on a particular matter.

Section 4-3.1 Alternate's Vote An agency alternate may vote on any matter under consideration only in the absence of the agency member from the meeting or as provided under Section 4-6 of these rules.

Section 4-4 Roll Call Votes Roll call votes shall proceed in the following manner:
(i) The presiding officer will direct the Clerk of the Board to report on the WMA Board members who have joined or left the meeting since the roll call of attendance at the beginning of the meeting;
(ii) The presiding officer will ask for a voice vote on the matter;
(iii) If there are no "nay" votes or abstentions, the presiding officer will direct that the matter be reported as passed unanimously with the names of all WMA Board members in attendance reported as voting in favor;
(iv) If there are any "nay" votes or abstentions, the presiding officer will direct the Clerk of the Board to call the name of each agency and record the vote of the representative of the agency and then report the total number of "aye," "nay" and "abstain" votes.
(v) The roll call shall be in alphabetical order of the name of the agency, except that the President shall be called last.

Section 4-5 Roll Call Not Required The roll need not be called in voting upon a motion except when requested by a member or otherwise required by law. If the roll is not called, in the absence of objection, the President may order the motion unanimously approved.

Section 4-6 Voting Ineligibility Any member attending a WMA Board meeting and ineligible to vote on any matter under consideration by the WMA Board at that meeting shall briefly describe the reason for being ineligible and then leave the WMA Board table before the matter is considered and refrain from participation in any action concerning the matter. If the member is ineligible due to a conflict of interest under the Political Reform Act, the member's disclosure shall include the information required by that Act and the member shall leave the room and not be counted towards a quorum. Notwithstanding the

foregoing, a member is not required to leave the WMA Board table or room for matters that are on the consent calendar.

Article 5 Committees

Section 5-1 Committees: Specific Committees, Notice of Meetings and General Rules

The WMA Board has two Committees: The Programs and Administration Committee (P&A) and the Alameda County Recycling Board serving as a committee of the WMA (Planning Committee). (See Sections 5.3– 5.6)

Any committee that constitutes a quorum of the WMA Board shall be noticed as both a meeting of the committee and a meeting of the WMA Board. Meetings of the Planning Committee shall be noticed as both a meeting of the committee and a meeting of the Recycling Board (RB). General rules pertaining to WMA Board committees are as follows:

- Only Committee members are permitted to vote on matters before the Committee.
- WMA alternates are members of the P&A Committee if the WMA P&A Committee member from their agency is not present.
- Because WMA alternates may not serve on the RB per the County Charter, WMA alternates are not members of the Planning Committee under any circumstances.
- No Committee may take final agency action on behalf of the WMA Board.
- Only Committee members (including WMA alternates attending the P&A Committee if the WMA member from their agency is not present) will receive compensation for attending the meeting.
- A majority of the Committee members present and voting is required for adoption of recommendations/actions.
- WMA Board members who are not Committee members may attend a Committee meeting but will not count towards formation of the quorum necessary to conduct the meeting nor will they receive compensation.

Section 5-2 Planning Committee Vacancy When a vacancy occurs on the Planning Committee, the Executive Director shall request the WMA Board to appoint a replacement.

Section 5-3 P&A Committee This committee consists of the twelve WMA Board members who are not members of the Recycling Board (RB)/Planning Committee.

The P&A Committee primarily provides oversight for administration and communications projects and other projects that are not assigned to the Planning Committee.

Section 5-4 The P&A Committee Administration. The P&A Committee meets on the 2nd Thursday of each month at 9:00 a.m. at the WMA office. Six P&A Committee members constitute a quorum. The officers of the P&A Committee shall be a Chair and Vice Chair who shall serve until the elections of their successors. Beginning in June, 2018 the Chair and Vice Chair shall be elected at the regular meeting of the Committee in the month of June of each year. They shall be elected by a majority of the total authorized vote of the Committee and shall serve from July 1 through June 30 of the following year. Beginning July 1, 2018 no member may serve more than one term in the same leadership position on the P&A Committee within a two-year time frame. This does not limit a person who has served in one office for a year serving in a different office the following year (e.g., the Vice Chair in one year serving as the Chair the next year).

Section 5-5 Planning Committee. This committee consists of the eleven Recycling Board (RB) members. The Planning Committee will primarily provide oversight for projects assigned to it in the areas of source reduction, market development, recycled content purchasing, grants to non-profits, and planning projects.

Section 5-6 Planning Committee Administration The RB typically meets on the second Thursday of each month at 4 or 7 p.m. at locations determined by the RB. Meetings of the Planning Committee will be at the times and locations of RB meetings. Six RB members constitute a quorum. In accordance with Measure D, the RB formulates rules for its own procedures and other rules as necessary to facilitate the implementation of Measure D.

- Section 5-7 Other Committees The President or the WMA Board may appoint such other committees from time to time as may be appropriate to administer the powers and programs of the WMA.
- Section 5-8 Cancellation and/or Reschedule of Regular Committee Meetings Any regular Committee meeting of the WMA may be canceled or rescheduled by the Chair, or the Executive Director with the consent of the Chair, no less than seven (7) calendar days prior to the scheduled date of such meeting. Notification of cancellation or reschedule shall be mailed to all parties who are notified of regular meetings of the Committee.
- Section 5-9 Special Meetings Special Committee meetings may be called by order of the applicable Committee Chair or the Executive Director with the consent of the Chair or by a majority of the members of the Committee acting at a properly noticed public meeting. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.
- Section 5-10 Adjourned Meetings Any regular meeting of a Committee may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular meeting. Any special meeting may be adjourned, and any adjourned special meeting is part of the special meeting.
- Section 5-11 Effect of Holiday If any meeting day or adjourned meeting day falls on a holiday, the meeting of the Committee shall be specially scheduled by a majority vote of the Committee.
- Section 5-12 Absence of Quorum In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.
- Section 5-13 Teleconferencing Committee members unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section. P&A Committee members who are unable to attend a P&A Committee meeting in person are encouraged to have their member agency's alternate attend in their

place. No more than two Committee members may utilize teleconferencing per Committee meeting at no more than two teleconferencing locations. A Committee member wishing to utilize teleconferencing should notify the Clerk of the Board prior to the release of the agenda for the affected Committee meeting of the teleconference location that is accessible to the public. Agendas are typically released five (5) days in advance of the meeting. The Clerk of the Board will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a Committee meeting where teleconferencing is utilized will be taken by roll call in accordance with the procedures for meetings of the WMA Board. If more than two members request teleconferencing, the two selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the WMA Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

WASTE MANAGEMENT AUTHORITY BOARD

RULES OF PROCEDURE

REVISED SEPTEMBER 27, 2017 [To be updated]

Article 1

General Provisions

Section 1-1 Name of Board The name of the Board is the Alameda County Waste Management Authority Board (hereinafter referenced as “WMA Board”).

Section 1-2 Authority for Rules These rules apply to the ~~Alameda County Waste Management~~ WMA Board (including Committees of the WMA Board) and are adopted pursuant to the Joint Exercise of Powers Agreement for Waste Management dated February 13, 1990, as it may be amended from time to time. The provisions of said agreement are herein incorporated by reference.

Section 1-3 Purpose of Rules The purpose of these rules is to provide for the orderly and fair conduct of the meetings of the WMA Board.

Article 2

Organization of WMA Board

Section 2-1 Composition of WMA Board The WMA Board is composed of seventeen (17) members and seventeen (17) alternates appointed pursuant to the agreement creating the Alameda County Waste Management Authority (hereinafter referenced as “WMA”).

Section 2-2 Officers The Officers of the WMA Board shall be a President, First Vice-President and Second Vice-President, who shall serve until the elections of their successors in accordance with Section 2-3. ~~No member may serve more than one full consecutive term of office as an Officer in the same office.~~

Section 2-3 Election of Officers The Officers shall be elected at the regular meeting of the ~~Authority~~ WMA in the month of June of each year. They shall be elected by a majority of the total authorized vote of the WMA Board, and shall serve from July 1 through June 30 of the following year. ~~No member may serve more than one term in the same leadership position on the WMA Board within a two-year time frame.~~ This does not limit a person who has served in one office for a

year serving in a different office the following year (e.g. the First Vice President in one year serving as the President the next year).

Section 2-4 Executive Director The WMA Board shall appoint an Executive Director of the ~~Waste Management Authority~~ WMA who shall be responsible for, among other duties, administration of ~~Authority~~ WMA programs.

Section 2-5 Duties of President The President shall preside at all meetings of the WMA Board and shall conduct the business of the WMA Board in the manner prescribed by these Rules. The President shall preserve order and decorum and shall decide all questions of order subject to the action of a majority of the WMA Board.

Section 2-6 Duties of the First and Second Vice-President In the absence or inability of the President to act, the Vice Presidents shall perform the duties of the President in the order of the succession.

Section 2-7 Duties of Executive Director In addition to the duties set forth in the Joint Exercise of Powers Agreement, the Executive Director shall perform the following duties:

- (a) Prepare an agenda for each meeting of the WMA Board;
- (b) Attend each meeting of the WMA Board;
- (c) Appoint a Clerk of the Board to:
 - (i) Notify all WMA Board members of the time and place of each meeting;
 - (ii) Maintain a record of all proceedings of the WMA Board;
 - (iii) Maintain all records of the ~~Authority and WMA Board~~;
 - (iv) Maintain records of the proceedings of the WMA Board and its committees ; and
 - (v) Attest to the WMA Board's approval of ordinances, resolutions, and other expressions of WMA Board policy.
- (d) Perform other duties directed by law, the Officers, or the WMA Board. These duties may be delegated as determined necessary by the Executive Director.

Article 3 Meetings of WMA Board

Section 3-1 Regular Meetings Regular monthly meetings will be held at 3:00 p.m. on the fourth Wednesday of the month, except for the months of

November and December when the meetings will be held at 3:00 p.m. on the third Wednesday of the month.

Section 3-1.1 Cancellation and/or Reschedule of Regular Meetings Any regular meeting of the WMA Board may be canceled or rescheduled by the President, or the Executive Director on the direction of the President, no less than seven (7) calendar days prior to the scheduled date of such meeting. Notification of cancellation or reschedule shall be mailed to all parties who are notified of regular meetings of the WMA Board.

Section 3-2 Special Meetings Special meetings of the WMA Board may be called by order of the President or by a majority of the members. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.

Section 3-3 Adjourned Meetings Any regular meeting of the WMA Board may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular meeting. Any special meeting may be adjourned, and any adjourned special meeting is part of the special meeting.

Section 3-4 Effect of Holiday If any meeting day or adjourned meeting day falls on a holiday, the meeting of the WMA Board shall be specially scheduled by the WMA Board.

Section 3-5 Quorum A majority of the members of the WMA Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time pursuant to Section 3-6 of these Rules.

Section 3-6 Absence of Quorum In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.

Section 3-7 Notice of Meetings All meetings of the WMA Board shall be held subject to the provisions of the Ralph M. Brown Act (~~see, being~~ Sections 54950 et. seq. of the California Government Code), and other applicable laws of the State of California requiring notice of meetings of the WMA Board.

Section 3-8 Teleconferencing WMA Board members who are unable to attend a meeting in person are encouraged to have their member agency's alternate attend in their place. WMA Board members unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section. No more than four WMA Board members may utilize teleconferencing ~~per~~ at a WMA Board meeting at no more than four teleconferencing locations. A WMA Board member wishing to utilize teleconferencing should notify the Clerk of the Board prior to the release of the agenda for the affected ~~Committee~~WMA Board meeting of the teleconference location that is accessible to the public. ~~(Agendas are typically released five (5) days in advance of the meeting.)~~ The Clerk of the Board will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a ~~Committee~~WMA Board meeting where teleconferencing is utilized will be taken by roll call. If more than four members request teleconferencing, the four selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the WMA Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.

Section 3-9 Compensation WMA Board members and alternates are compensated in accordance with compensation policies approved by the WMA Board. WMA Board members must attend a WMA Board meeting to be compensated for that meeting. An agency appointed alternate may be compensated only if WMA member from that agency is not present at the meeting.

Article 4
Conduct of Meetings

Section 4-1 Order of Business The business of each meeting of the WMA Board shall be transacted as far as is practicable in the following order:

- (a) Call to order;
- (b) Roll call of attendance;
- (c) Announcements by President;
- (d) Open public discussion from the floor;
- (e) Approval of minutes of prior meetings (may be included in the consent calendar);
- (f) Consent calendar;
- (g) Regular calendar

- (h) Member Comments and Communications from the Executive Director; and
- (i) Adjournment.

The above order of business may be suspended or changed at any time upon order of the President. The consent calendar may contain those matters the nature of which have been determined by the Executive Director to be routine, and items that have been recommended by a Committee for WMA Board approval, and will be approved by a single action. Any item shall be removed from the consent calendar and placed for discussion on the regular calendar at the request of any member. WMA Board members who were not in attendance at a meeting but have read the minutes of the meeting may vote in connection with approval of those minutes. The regular calendar shall contain all other matters and business.

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 ~~Authority~~WMA, but not listed on the agenda. Each speaker is limited to three minutes unless a shorter period of time is set by the President.

Section 4-2 Parliamentary Rules The rules and procedures set forth in Robert's Rules of Order are hereby adopted for the government of ~~this the~~ WMA Board in all cases not otherwise provided for in these rules.

Commented [A1]: We could change this to say "Rosenberg's Rules of Order (attached to these Rules of Procedure as Exhibit A)"

Section 4-3 Vote Required A two-thirds majority of the total authorized vote shall be required for expenditures of \$500,000 or more. Except as provided by the Joint Powers Agreement (specifically amendments to the JPA and approval of a new member to the JPA which also require a two-thirds majority of the authorized vote), a majority of the authorized vote shall be required for all other actions. An abstention to vote by any member shall be construed as that member not voting on a particular matter.

Section 4-3.1 Alternate's Vote An agency alternate ~~may~~ vote on any matter under consideration only in the absence of the agency member from the meeting or as provided under Section 4-6 of these rules.

Section 4-4 Roll Call Votes Roll call votes shall proceed in the following manner:
(i) The presiding officer will direct the Clerk of the Board to report on the WMA Board members who have joined or left the meeting since the roll call of attendance at the beginning of the meeting;
(ii) The presiding officer will ask for a voice vote on the matter;

(iii) If there are no “nay” votes or abstentions the presiding officer will direct that the matter be reported as passed unanimously with the names of all WMA Board members in attendance reported as voting in favor;

(iv) If there are any “nay” votes or abstentions, the presiding officer will direct the Clerk of the Board to call the name of each agency and record the vote of the representative of the agency and then report the total number of “aye,” “nay” and “abstain” votes.

(v) The roll call shall be in alphabetical order of the name of the agency, except that the President shall be called last.

Section 4-5 Roll Call Not Required The roll need not be called in voting upon a motion except when requested by a member or otherwise required by law. If the roll is not called, in the absence of objection, the President may order the motion unanimously approved.

Section 4-6 Voting Ineligibility Any ~~Board~~ member attending a WMA Board meeting and ineligible to vote on any matter under consideration by the WMA Board at that meeting shall briefly describe the reason for being ineligible and then leave the WMA Board table before the matter is considered and refrain from participation in any action concerning the matter. If the member is ineligible due to a conflict of interest under the Political Reform Act, the member’s disclosure shall include the information required by that Act and the member shall leave the room and not be counted towards a quorum. Notwithstanding the foregoing, a member is not required to leave the WMA Board table or room for matters that are on the consent calendar.

Article 5 Committees

Section 5-1 Committees: Specific Committees, Notice of Meetings and General Rules
The ~~Authority-WMA~~ Board has two Committees: The Programs and Administration Committee (P&A) and the Alameda County Recycling Board serving as a committee of the ~~Authority-WMA~~ (Planning Committee). (See Sections 5.3– 5.6)

Any committee that constitutes a quorum of the WMA Board shall be noticed as both a meeting of the committee and a meeting of the ~~Authority-WMA~~ Board. Meetings of the Planning Committee shall be noticed as both a meeting of the committee and a meeting of the

Recycling Board (RB). General rules pertaining to ~~Authority-WMA~~
Board committees are as follows:

- Only Committee members are permitted to vote on matters before the Committee.
- WMA alternates are members of the P&A Committee if the WMA ~~P&A Committee~~ member from their agency is not present.
- Because WMA alternates may not serve on the RB per the County Charter, WMA alternates are not members of the Planning Committee under any circumstances.
- No Committee may take final agency action on behalf of the ~~WMA~~ Board.
- Only Committee members (including WMA alternates attending the P&A Committee if the WMA member from their agency is not present) will receive compensation for attending the meeting.
- A majority of the Committee members present and voting is required for adoption of recommendations/actions.
- ~~WMA~~ Board members who are not Committee members may attend a Committee meeting, but will not count towards formation of the quorum necessary to conduct the meeting nor will they receive compensation.

Section 5-2 Planning Committee Vacancy When a vacancy occurs on the Planning Committee, the Executive Director shall request the ~~WMA~~ Board to appoint a replacement.

Section 5-3 P&A Committee This committee consists of the twelve ~~Authority~~ ~~WMA Board~~ members who are not members of the Recycling Board (RB)/Planning Committee.

The P&A Committee primarily provides oversight for administration and communications projects and other projects that are not assigned to the Planning Committee.

Section 5-4 The P&A Committee Administration. The P&A Committee meets on the 2nd Thursday of each month at 9:00 a.m. at the ~~Authority-WMA~~ office. Six P&A Committee members constitute a quorum. The officers of the P&A Committee shall be a Chair and Vice Chair who shall serve until the elections of their successors. Beginning in June, 2018 the Chair and Vice Chair shall be elected at the regular meeting of the Committee in the month of June of each year. They shall be elected by a majority of the total authorized vote of the Committee, and shall serve from July 1 through June 30 of the following year.

Beginning July 1, 2018 no ~~P&A Committee member~~ member may serve more than one term in the same leadership position on the P&A Committee within a two-year time frame. This does not limit a person who has served in one office for a year serving in a different office the following year (e.g. the Vice Chair in one year serving as the Chair the next year). may serve more than one full consecutive term of office as a P&A Committee officer in the same office.

- Section 5-5 Planning Committee. This committee consists of the eleven Recycling Board (RB) members. The Planning Committee will primarily provide oversight for projects assigned to it in the areas of source reduction, market development, recycled content purchasing, grants to non-profits, and planning projects.
- Section 5-6 Planning Committee Administration The RB typically meets on the second Thursday of each month at 4 or 7 p.m. at locations determined by the RB. Meetings of the Planning Committee will be at the times and locations of RB meetings. Six RB members constitute a quorum. In accordance with Measure D, the RB formulates rules for its own procedures and other rules as necessary to facilitate the implementation of Measure D.
- Section 5-7 Other Committees The President or the WMA Board may appoint such other committees from time to time as may be appropriate to administer the powers and programs of the ~~Authority~~ WMA.
- Section 5-8 Cancellation and/or Reschedule of Regular Committee Meetings Any regular Committee meeting of the ~~Authority~~ WMA may be canceled or rescheduled by the Chair, or the Executive Director with the consent of the Chair, no less than seven (7) calendar days prior to the scheduled date of such meeting. Notification of cancellation or reschedule shall be mailed to all parties who are notified of regular meetings of the Committee.
- Section 5-9 Special Meetings Special Committee meetings may be called by order of the applicable Committee Chair or the Executive Director with the consent of the Chair or by a majority of the members of the Committee acting at a properly noticed public meeting. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.
- Section 5-10 Adjourned Meetings Any regular meeting of ~~the a~~ Committee may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular

meeting. Any special meeting may be adjourned, and any adjourned special meeting is part of the special meeting.

Section 5-11 Effect of Holiday If any meeting day or adjourned meeting day falls on a holiday, the meeting of the Committee shall be specially scheduled by a majority vote of the Committee.

Section 5-12 Absence of Quorum In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.

Section 5-13 Teleconferencing Committee members unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section. (P&A Committee members who are unable to attend a P&A Committee meeting in person are encouraged to have their member agency's alternate attend in their place.) No more than two Committee members may utilize teleconferencing per Committee meeting at no more than two teleconferencing locations. A Committee member wishing to utilize teleconferencing should notify the Clerk of the Board prior to the release of the agenda for the affected Committee meeting of the teleconference location that is accessible to the public. ~~(Agendas are typically released five (5) days in advance of the meeting.)~~ The Clerk of the Board will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a Committee meeting where teleconferencing is utilized will be taken by roll call in accordance with the procedures for meetings of the WMA Board. If more than two members request teleconferencing, the two selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the WMA Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

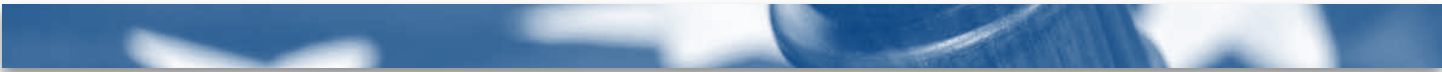


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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.


The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ... ”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate


The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.


Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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DATE: October 25, 2017

TO: Waste Management Authority Board

FROM: Tom Padia, Deputy Director

SUBJECT: Recycling Markets Update

SUMMARY

At the October 25 WMA meeting, two guest speakers will discuss the current state of markets for recycled materials, especially in light of recent actions by the Chinese government (“National Sword”). Michael Peltz is Materials Marketing Manager at Waste Management Recycle America (and a Recycling Board member) and has worked in international recycling sales, trading and mill supply for the last 27 years. Evan Edgar has been involved in the California solid waste and recycling field for the last 33 years as a solid waste engineer, lobbyist, and project development consultant.

DISCUSSION

Recent announcements and actions by the Chinese government aimed at restricting the levels of contamination in imported recycled commodities and the level of such imports overall have caused turmoil and uncertainty in secondary commodities markets, especially for mixed grades of scrap paper and plastics but even for higher grades such as Old Corrugated Containers (OCC).

Trade organizations such as the Solid Waste Association of North America (SWANA), the Institute of Scrap Recycling Industries (ISRI), the National Waste & Recycling Association (NWRA) and others have filed comments with the World Trade Organization or taken other public actions to try to bring more clarity and stability to this volatile situation. Potential impacts could be sustained lower revenues to municipal recycling programs and even the possibility of no markets at all for some processors at certain times for some lower grades such as mixed paper, and small and large mixed rigid plastics.

Attached to this memo are a recent letter issued by SWANA to state governments on this topic, and a recent newsletter, “Bale Out,” published by Edgar & Associates. Speakers will discuss current dynamics, trends and impacts of National Sword, and what, if anything, local governments and haulers can do to help their recycling programs survive and thrive in the times ahead.

RECOMMENDATION

This item is for information only.

Attachment A: SWANA letter dated October 11, 2017

Attachment B: Edgar & Associates October 2017 “Bale Out” Newsletter



October 11, 2017

RE: Impact of Chinese Waste Ban on State & Local Recycling Program

The Solid Waste Association of North America (SWANA) is a non-profit association for waste and recycling professionals with more than 9,000 members across the United States and Canada. On behalf of those members, SWANA is writing to share some important and recent recycling market developments that have implications for the movement of recyclables worldwide, and that may impact recycling programs in your state.

In July 2017, China notified the World Trade Organization (WTO) of its intention to prohibit the import of certain solid wastes and scrap into their country, including mixed paper and mixed plastics, beginning on January 1, 2018. In addition, China announced a new, and exceedingly stringent, contamination standard applicable to recyclable imports (0.3 percent). This proposal is inconsistent with the global standards followed by the recycling community and its industrial consumers, and if adopted, will effectively result in a ban on the importation of virtually all waste and scrap commodities, as the standard is nearly impossible to achieve.

In late August, SWANA filed comments with the WTO seeking additional clarity about China's filing, and raising concerns about the scope and timing of the proposed ban. China is the largest export market for recyclables generated in the United States. SWANA's comments note that China imports approximately 13 million tons of paper and 776,000 tons of plastic from the United States annually. We argued it is simply not feasible to expect domestic recycling facilities capable of handling all the material now sent to China to be permitted, constructed, and commence operations by the end of 2017. With the gap between domestic processing and market demand, the proposed ban could adversely affect municipal recycling programs through the country. Although SWANA and other industry participants support China's environmental improvement goals, we questioned the efficacy of its notices, and suggested a longer transition period for the implementation of new import controls. A copy of SWANA's WTO comments can be downloaded [here](#).





During September, we learned that China's Ministry of the Environment (MEP) is not renewing waste import licenses. As a result, material has started to pile up in Hong Kong (a major port of entry) and a handful of US municipal recycling programs have already begun to make [adjustments](#) in the materials they accept in response to the uncertainty created by the looming ban and new contamination standard. Market prices, particularly for paper, dropped significantly in September, with [market observers](#) linking that decline to the Chinese actions.

Along with other stakeholders, SWANA has met with the US Department of Commerce, Office of the United States Trade Representative (USTR), and the US Environmental Protection Agency about the ban, the contamination standard, and their potential effect on local recycling programs across the United States.

In response to our concerns, the waste import ban and related issues were raised in late September meetings in China among Commerce, USTR and MEP representatives, and at a WTO committee meeting last week. However, it is unclear whether China will consider any changes to the proposed import ban or contamination standard. To date, MEP has been reluctant even to clarify some questions about the affected materials and applicable contamination standards. SWANA will continue to press the waste sector's concerns with federal officials and others, and continues to monitor this dynamic situation closely.

What Should State Agencies Do?

Be prepared for increased market volatility, which is likely to drive greater uncertainty among your stakeholders. SWANA suggests state agencies take the following steps:

1. Communicate with local governments, industry partners, generators, and other interested parties about the current disruption in recycling markets.
2. Educate all stakeholders about the importance of generating high quality material. China's ongoing efforts to limit the amount of contamination in material imports -- dating back to the 2013 "Green Fence" -- highlight the need for recyclers to produce high quality material.
3. Renew efforts to encourage waste reduction and the development of alternative domestic markets for recyclable materials. Both have the potential to reduce reliance on Chinese markets.





4. Review current and contemplated recycling goals and regulations in light of current market conditions.

We will continue to monitor developments domestically and overseas, and will provide additional information as warranted. Some recycling programs in the United States have recently experienced reduced market prices for their material, and continued volatility can be expected in the short term.

SWANA remains committed to recycling and resource management, and to working with members and partners at the local, state and federal levels to improve and expand recycling programs in the United States. If you have any questions, please free to contact me at dbiderman@swana.org or 240-494-2254.

Sincerely,

David Biderman
Executive Director & CEO
Solid Waste Association of North America





OCTOBER 2017 – GREEN FENCE – SPECIAL EDITION

CAN'T PAPER OVER THE GREEN FENCE

The higher the Green Fence goes up, with the planned ban of unsorted waste paper exports to China, the lower the statewide recycling rate goes down. The Chinese government, looking to protect its homeland manufacturers and to be mindful of environmental impacts, decided it would take action to improve the quality of the raw materials through the enhanced inspection of recyclables that are exported to China. The program, known as 'Operation Green Fence', was formally implemented in February 2013, enforcing a 2011 law, and was billed as an aggressive inspection effort aimed at curtailing the amount of contaminated recyclables and waste that was being sent to China. China has raised the Green Fence even higher with a [Catalogue of Solid Waste Forbidden to Import by the End of 2017](#), that will further decrease the contamination rate for mixed paper to just 0.3%. This would effectively create a ban where there is no plan in the United States to manage additional material, as prices plunge and bales stack up.

With 'Operation Green Fence', there was also falling oil prices, a global economic slowdown, and a strong dollar, which hurt commodity pricing. Meanwhile, a rebounding California economy caused more generation tons without developing remanufacturing facilities to process the recyclables domestically. Just last year, export markets for recyclables dipped another two million tons, dropping for the fifth year in a row and losing over 7 million tons of capacity since 2011. Landfills dumped another 2 million tons in 2016, increasing for a fourth year in a row, and gaining 6 million tons on disposal since 2012. The California recycling rate has downcycled to 44% in 2016 from a high of 50% in 2012, as the 75% recycling rate goal by 2020 seems like an impossible dream. Anecdotal evidence demonstrates that what is not being exported is now being landfilled, as domestic remanufacturing for paper and plastic does not have capacity.

Mixed paper, cardboard, and paperboard exports accounted for about 8.9 million tons valued at \$1.2 billion in 2016. China controls 86% of the market. Mixed paper is at least one-third of this export market – where, should China ban mixed paper, about 2.5 million tons would need to find a new market in 2018. Following historical trends, paper could be landfilled as the material recovery processing line may not have the technology or the labor to high-grade the paper waste. Building the Wall to the South has curtailed critical labor, and raising the Fence in the East, is mixing up the paper recovery rates and markets and boxing recycling in. Should another 2 million tons of mixed paper be landfilled in 2018, the statewide recycling rate would limp to just 41%.

CalRecycle needs to update their "AB 341 Report to the Legislature," which was last submitted in August 2015. Now is the time to update the AB 341 Report to determine the increase in landfill tip fee needed to actually get to the 75% goal by 2020, or delay the 75% goal. Should AB 1826 and SB 1383 be enforced to 2020 requirements, organics alone could lift the statewide recycling rate to at least 50% by 2020 should the export markets continue to slide and the emergence of domestic remanufacturing facilities stall out.

In 2016, AB 1063 (Williams) could have provided a 'Bale Out' with a \$4 per ton landfill tip fee resulting in \$140 million per year to support developing the domestic recycling and composting manufacturing capacity. AB 1063 was held in Committee, being labeled as a 'tax' and not a 'fee' even though there is a clear nexus to support recycling. The Governor's Office was briefed on a Berkeley Study calling for a \$10 per ton tip fee to off-set cheap landfilling and encourage recycling and energy recovery. AB 1288 (Eggman) was introduced in 2017 to give recycling a chance with tip fee reform, but that too was stalled out, as there is no 'Bale Out' in sight leaving landfilling as the last resort.

DISPOSAL TONS Pounds Per Person Per Day (PPD) - CalRecycle

2012 4.3 PPD
29.3 million disposal tons
50% statewide recycling rate

2013 4.4 PPD
30.2 million disposal tons
50% statewide recycling rate

2014 4.5 PPD
31.2 million disposal tons
50% statewide recycling rate

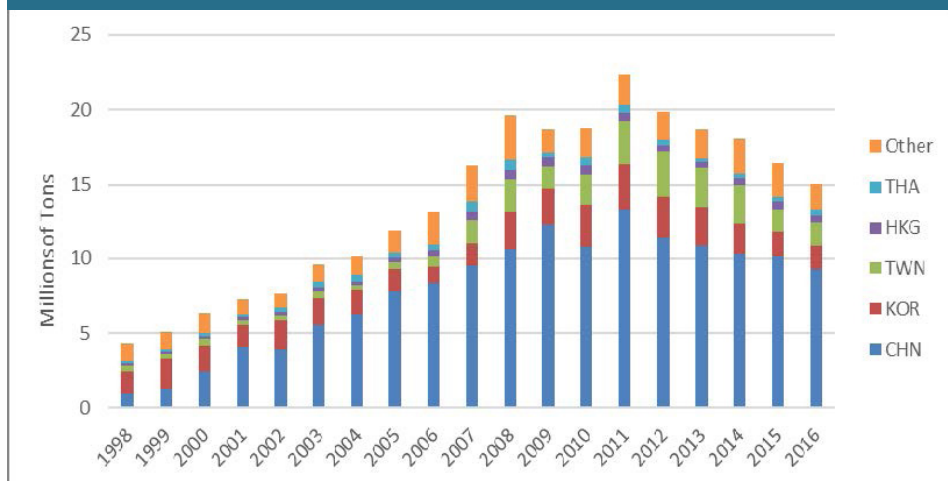
2015 4.7 PPD
33.2 million disposal tons
47% statewide recycling rate

2016 4.9 PPD
35.2 million disposal tons
44% statewide recycling rate

2020 2.7 PPD goal
20.0 million tons
75% statewide recycling rate

AB 341 REPORT

With the passage of AB 341 (Chesbro, 2011), the Governor and the Legislature established a policy goal for the state that not less than 75% of solid waste generated be source-reduced, recycled, or composted by the year 2020. This report submitted in August 2015, as directed by the Legislature, provides strategies to achieve that 75% goal. A series of recommendations for legislative changes were presented in this report and should be updated in 2017 to increase the recycling rate from 44% in 2016 to 75% by 2020. The [State of Disposal and Recycling in California 2017 Update](#) was published in August 2017 providing trends with the most recent data.



[Local programs are feeling the dire effects of China's ban](#) where some feel that the Sacramento region's recycling material may be landfilled. There has been an outcry from ISRI, WCRRC and SWANA over the market collapse. With [America Recycles Day](#) planned for November 15, 2017, will mixed paper need to be landfilled by then as the bales have nowhere to go?

Statement of the West Coast Refuse and Recycling Coalition

The West Coast Refuse and Recycling Coalition (WCRRC), including CRRC, Oregon and Washington haulers, provided comments regarding the July 18, 2017 Notification to the World Trade Organization from the Ministry of Environmental Protection (MEP) of the People's Republic of China. The notification announced MEP's intent to forbid by the end of 2017 the import into China of 4 classes, containing 24 kinds of solid wastes, including plastics waste from living sources, unsorted waste paper and waste textile materials. The WCRRC respectfully requests that the ban be delayed to allow the recycling industry in the United States to work with China to ensure the environmental protection it seeks is realized while maintaining the environmental and economic benefit to both nations of a robust trade in these valuable recyclable materials.

ISRI Statement on China's Intent to Ban Certain Scrap Imports

(Washington, DC) – China notified the World Trade Organization (WTO) of its intent to ban the import of certain scrap materials by year end. Among the items included on the list are most scrap plastics ("including polymers of ethylene, styrene, vinyl chloride and PET..."), mixed paper and slags and drosses. In response, ISRI President Robin Wiener released the following statement:

"ISRI has already notified the Office of the United States Trade Representative and the U.S. Department of Commerce on the devastating impact such a ban will have on the global recycling industry, especially because ISRI has heard that China is considering additional notifications in the future on other scrap materials. Upon receiving this information, ISRI immediately briefed U.S. officials in preparation for tomorrow's U.S.-China Comprehensive Economic Dialogue (CED) in Washington.

"With more than \$5.6 billion in scrap commodities exported from the United States to China last year alone, the trade in specification-grade commodities – metals, paper and plastics – between the United States and China is of critical importance to the health and success of the U.S. based recycling industry. If implemented, a ban on scrap imports will result in the loss of tens of thousands of jobs and closure of many recycling businesses throughout the United States.

"The scrap recycling industry is the first link in the global manufacturing supply chain. Recycled materials are key inputs into the production of new, usable commodities for the use in value-add production. In any given year, approximately one-third of the scrap recycled in the United States is prepared for shipment to the export market, and China is the recycling industry's largest customer. This includes more than \$1.9 billion in scrap paper (13.2 million tons) and \$495 million in scrap plastics (or 1.42 million tons). "More than 155,000 direct jobs are supported by the U.S. industry's export activities, earning an average wage of almost \$76,000 and contributing more than \$3 billion to federal, state, and local taxes. A ban on imports of scrap commodities into China would be catastrophic to the recycling industry."

CALRECYCLE REPORT: 2016 CALIFORNIA EXPORTS OF RECYCLABLE MATERIALS

The CalRecycle presentation at their August 2017 meeting shows exports are down by over 7 million tons, since 2011 landfill disposal is up by 6 million tons over the same time period.

PACKAGING WORKSHOP OCTOBER 10, 2017

This workshop will build upon the policies discussed at the [March 22, 2017 Packaging Reform Workshop](#) and is a continuation of CalRecycle's Packaging Reform policy model development process. Given that there is not a one-size-fits-all policy solution for all packaging, CalRecycle is choosing to evaluate which mandatory policy models and instruments might be best suited to increasing collection and recovery of specific packaging types. In order to provide stakeholders with early opportunity to provide feedback and help make this workshop discussion more robust, CalRecycle is soliciting stakeholder input on potential screening criteria and data sources that will be used to evaluate each criterion for the purpose of evaluating and identifying packaging types. In order to help meet the state's aggressive 75% recycling rate goal by 2020, and particularly in light of significant recent developments such as the drop in California's recycling rate and potential implications of China's expanding regulations to ban certain scrap imports, it is critical now more than ever to address this portion of the waste stream. This will require a higher level of awareness and involvement by all parties involved to develop a comprehensive, mandatory policy model for managing packaging to significantly reduce its presence in the waste stream.

AB 1288 (Eggman)

TOPIC: This bill would increase the solid waste tipping fee from \$1.40 per ton to an as-yet-to-be-determined amount, to help develop organic materials processing facilities and other market incentive programs that promote the highest and best use of recovered materials. The bill may also establish a generator charge to augment the existing disposal fee which funds CalRecycle administrative costs.

STATUS: 2-year Bill



DATE: October 25, 2017

TO: Waste Management Authority Board

FROM: Wendy Sommer, Executive Director

BY: Angelina Vergara, Schools Program Manager

SUBJECT: Schools Program Overview

SUMMARY

StopWaste supports public schools in Alameda County through:

- Educational transfer station tours
- School-based student action projects
- Technical assistance

At the October 25 WMA meeting, staff will present an overview of the schools program. Additionally, students from Castro Valley's SMART Environmental Club will provide an overview of how they have applied learnings from the StopWaste Schools Program into their sustainability efforts.

RECOMMENDATION

This item is for information only.

Attachment: Schools Program Overview Flyer



➤ 4th Grade Field Trip

Field trips to the StopWaste Education Center

Public school students can learn first-hand what happens to their recyclables, compostables and garbage at a materials recovery facility and transfer station. Free bus transportation provided.

Questions? Contact Arielle Conway (510) 891-6537 or aconway@stopwaste.org.



➤ Grades 4-6

4Rs Student Action Projects

Bring academic fun and the 4Rs: Reduce, Reuse, Recycle and Rot (compost) into the classroom. Students engage in project-based learning and develop skills to make a difference in their school and their community.

StopWaste educators visit the classroom and facilitate a three-part series of two-hour lessons.

Questions? Contact Angelina Vergara (510) 891-6520 or avergara@stopwaste.org.



➤ Middle & High School

StopWaste Ambassador Program (SWAP)

SWAP offers a range of services to help advance environmental education and leadership in Alameda County middle and high schools. Programs include:

- **Service learning projects**
Develop leadership and organizing skills through community based projects.
- **Action planning field trips**
Trips to local transfer stations where students develop and plan waste reduction action projects.
- **Camp Arroyo leadership weekend**
Annual event open to all participating schools.

Questions? Contact Angelina Vergara (510) 891-6520 or avergara@stopwaste.org.

★ Learn more about StopWaste School Programs at www.StopWaste.org/at-school

**November 2017
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	<p>9:00 AM Programs & Administration Committee 1. Technical Assistance & Enforcement Update</p> <hr/> <p>7:00 PM Planning Committee & Recycling Board Hayward City Hall Key Items: 1. Technical Assistance & Enforcement Update 2. Measure D Eligibility Update 3. Municipal Panel</p>	10 AGENCY HOLIDAY	11
12	13	14	<p>3:00 PM Waste Management Board & Energy Council Key Items: 1. Stop Food Waste 2. Community Outreach/ Ambassador training</p>	16	17	18
19	20	21	22	23 AGENCY HOLIDAY	24 AGENCY HOLIDAY	25
26	27	28	29	30		

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MEETING NOTES

Energy Council TECHNICAL ADVISORY GROUP (TAG)

Tuesday, October 17, 2017 – 1:00 pm to 3:00 pm

Attendance:

County of Alameda: Ryan Bell
City of Alameda: Maria DiMeglio, Patrick Peligri-O'Day
City of Albany: Claire Griffing, Chelsea Polevy
City of Berkeley: Caytie Campbell-Orrick, Billi Romain, Bryce Henney
City of Emeryville: Nancy Humphrey
City of Fremont: Rachel DiFranco (phone)
City of Hayward: Erik Pearson, Ciaran Gallagher
City of Livermore: Tricia Pontau (phone)
City of Oakland: Ben Linthicum, Mukta Kelkar
City of Piedmont: Mira Hahn, Cody Ericksen
City of Pleasanton: Derek Lee
City of San Leandro: Sally Barros, Delaney King

StopWaste: Karen Kho, Jennifer West, Jeffery Liang

Guests: Bree Swenson (Civic Spark), Byron Pakter (Optony)

Civic Spark (also listed with cities above): Delaney King, Ben Linthicum, Ciaran Gallagher, Cody Ericksen, Bryce Henney, Chelsea Polevy, Patrick Peligri-O'Day

Meeting Notes

Introductions

Board Updates from September: contract amendments

- 1) Bay Area Regional Energy Network (BayREN) – Promotion of Home Energy Score, staff time for legislative/regulative monitoring
 - 2) East Bay Energy Watch (EBEW) – Energy Manager Program pass through of funds
- Both adopted, questions about SF Rebates going to HES but those will be underspent due to Home Upgrade restrictions

BayREN Program Updates

- StopWaste presented October Dashboard, Events (past and coming up):

- Fremont - Single family 9/26
- Albany/Berkeley/El Cerrito - Single family 10/17
- Green Open House in Rockridge on 10/22
- Oakland 11/15, for Multi-family 2018
- Livermore 11/16 for Multi-family 2018
- Single Family Contract under BayREN: PG&E is planning to discontinue Home Upgrade in the first quarter of 2018, Advanced Home Upgrade program will continue.
- Multifamily program BayREN – On track.

Electrification

a. BAAQMD grant – around April 2018

Grant will be \$4-4.5 million for 25 projects, 100-200k range. Focusing on electrification of existing buildings and innovative ideas (e.g. PACE, CCA). Fund cities that haven't been funded before and matching funds. Possibility of TA for application process, SW interested in supporting grants. StopWaste staff would like to hear of possible ideas for cities/county to apply for.

b. Electrification projects

Electrification Activity Map shared showing landscape of projects and programs being addressed by different entities.

Areas of opportunity for heat pump water heaters (HPWH) include:

- 1) Climate Action Plan language
- 2) General coalition building and advocacy
- 3) Reach codes, look at PG&E model for HPWH complying - still working on it
- 4) Sunshares 2018 – include HPWH
- 5) Green Cities California (GCC) will be convening cities, support beyond Decarbonization calls
- 6) Suggest working with Electrical Union and IBEW for education of contractors and policy movement

c. Electric Panel upgrades

Discussed the need to know what level of upgrade is required for different configurations and when to increase capacity.

- Tesla charger recommendations.
- Suggest inviting Palo Alto to speak to this group because they are working on reach code for certain work.
- Cities can ask their building departments, what would be reasonable for an upgrade of solar and HPWH.
- PG&E does have standards and we can ask for an analysis. She did it for HPWH in ADUs in prescriptive methods. **StopWaste will put in a request on behalf of Alameda County jurisdictions for this analysis (agreed upon).**
- Fremont will share example of solar rights ordinance.

- State funding limits solar installations from increasing electric load, which can reduce the ability to switch from gas to electric water heaters, etc.
- Discussion on the market competition for solar programs

Presentation on CCA study – Tom Kelly

Study on consumer response to default of 100% Renewable Energy mix for new CCA customers. Help for cities to reach Climate Action Plan targets (enrolling municipal and residential/commercial customers). Berkeley and Albany, Piedmont and Hayward modeled. Studies show consumers want the government to do more about addressing climate change and purchasing renewable energy.

Example: Portola Valley is 100% and 6% opted out, 4% opted down. Political affiliation and loyalties more a factor than price. The price of renewables (solar especially) is on par with fossil fuels.

Options:

- Customer assumes additional cost
- Cities assume additional cost
- Cost savings from bulk purchase (no additional cost?)

Cities would need to pass resolution with consumer outreach. Current opt-up rates are low due to inertia. Likely same if they started at 100 and less likely to opt down.

Cities can ask for the model to be run by Tom Kelly by sending him an email: tkelly@kyotousa.org.

Some Alameda County cities are discussing 100% renewable at the Sustainability Team level. Interest in addressing the time of use (duck curve) issue. Also discussed credit ratings for CCAs to take on projects.

Member Comments & Discussion

- EBEW Policy & Regulatory Subcommittee Paper is completed and will be shared soon.
- Survey of how many cities have done 2nd phase of CAP? Emeryville, Piedmont, Albany (almost ready)
- AB546 – Governor signed to enact storage permit and electronic submission. Cities under 200,000 population have until 1/1/19 to comply. Cities over 200,000 have until 9/30/2018. (Byron Pakter)

Future agenda item? Citizens' Climate Lobby presentation – Yes. Oakland, Berkeley and Albany have already supported this federal effort to enact a carbon fee with dividends to citizens.

NEXT TAG MEETING: November 29, 2017 1-3pm CAP 1.0 Debrief Working Session

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From the Sacramento Business Journal:

<https://www.bizjournals.com/sacramento/news/2017/10/05/another-voicewill-the-region-s-recycling-material.html>

Another Voice

Another Voice: Will the region's recycling material be landfilled?

SUBSCRIBER CONTENT: Oct 5, 2017, 3:43am PDT

COURTESY OF DAVID KUHNEN

David Kuhnen is general manager of Recycling Industries Inc.

The recycling industry serves a vital role in protecting our environment by recycling materials that can be repurposed to make everyday consumer products. This process results in reduced dependence on landfills and fewer natural resources being needlessly harvested, saving consumers money as they diligently dispose of what was once considered garbage into containers marked for recycling only.



But this may change.

China has notified the World Trade Organization that by the end of the year it will no longer accept imports of 24 categories of recyclables, as part of a government campaign against “foreign garbage.” The stated purpose of the “National Sword” campaign is to crack down on poorly sorted waste that can be bundled with traditional recycled products such as paper, plastics and metals.

To achieve this ambitious and perhaps unattainable goal, China demands that imports contain no more than 1 percent non-recyclable waste, which is down from the industry standard of up to 10 percent. The reality is that few recycling companies have infrastructure in place to meet this new and costly standard, even if the public is willing to pay to deliver recycled products, say industry experts.

When China is the largest buyer of U.S. recyclable material, spending over \$18 billion last year alone, and consuming 86 percent of California's recyclable fiber, it comes as no surprise that [Robin Wiener](#), president of the [Institute of Scrap Recycling Industries](#), predicts “catastrophic” consequences.

The impacts of China's campaign against U.S. exports also poses significant financial risks for recycling firms here in the Sacramento region that are locked into long-term fixed contracts with public agencies. Recycling Industries, a local business started by my father 35 years ago, processes recyclables locally on contractual margins that are no longer sufficient to cover the costs of processing and marketing recyclable material by this new standard.

The financial risks to recycling companies like ours and others throughout the U.S. are compounded by the fact that there are not enough alternative markets for recyclables being rejected by China, either domestically or abroad. Moreover, persistent rumors that China is considering an outright ban on all recyclable products from anywhere in the world is exacerbating fears.

While these problems showcase the danger of the U.S. being so dependent on one country to accept nearly all its recyclable material, meaningful solutions are desperately needed.

The obvious solution is for municipalities to crack down on residents more aggressively who perpetually discard contaminants into recycling bins or to increase collection fees.

If inaction prevails, few recycling companies will do business with them and recyclable material will make its way to landfills, a wasteful and harmful solution for our environment. For someone dedicated to a green economy, the latter scenario is not a sustainable solution.

US government takes interest in China's imports ban

Posted on October 11, 2017

by [Colin Staub](#)

Government officials have confirmed they are monitoring China's import policy changes and are joining industry associations in seeking clarification from Chinese authorities.

Delegations from five World Trade Organization (WTO) members – Australia, Canada, the European Union, South Korea and the U.S. – questioned China on its imports ban during a meeting of the WTO's import licensing committee on Oct. 3.

U.S. exporters have reported China has not renewed import licenses, leading to massive market disruptions. The move has effectively led to [early implementation of import restrictions](#) that are officially slated to begin Jan. 1. But the freeze on license issuance has also meant materials not named in the ban language, [such as OCC](#), are also having trouble entering the country.

The U.S. is represented at the WTO by officials from the U.S. Trade Representative's office, the Department of Agriculture and the Department of Commerce.

During the Oct. 3 meeting, the U.S. delegation said it has "significant concerns with the changes to import licensing surrounding China's implementation of an existing import ban on plastic and paper scrap," according to a [WTO summary](#).

The Canadian delegation related how the import restrictions "were already creating issues for its traders" and wanted Chinese officials to clarify the specific products the country intends to ban from import.

"China's delegation responded that it will forward these concerns to its capital for consideration," according to the WTO.

Meanwhile, a committee tasked with reporting to Congress on trade issues has taken interest in the Chinese policy changes. The U.S.-China Economic and Security Review Commission included a report on China's actions in its [October 2017 Trade Bulletin](#). The report cites the economic impact of the recycling industry as identified by the Institute of Scrap Recycling Industries (ISRI).

It also criticizes some of China's rationales, describing the import restrictions as "environmentally dubious," but it doesn't advise any specific action U.S. officials can take to soften the blow of the ban.





ORGANICS > FOOD WASTE

Hungering for Food Waste Solutions

As Hunger Action Month ends, let's examine current food wastage statistics and activities to see where there is momentum, where it leads and the opportunities it passes by.

Michele Nestor | Sep 29, 2017

As an end-of-pipeline solution, the waste and recycling industry recognizes the value of the discarded products and materials that ultimately fall into our

systems. Care and effort goes into developing better processes and equipment to recover these marketable or other beneficially reusable materials. To be fair, some pressure to advance these capabilities originated from our customers, along with regulatory and corporate initiatives. It is also true that certain goals and objectives have been counterproductive.

Zero waste policies have been successful in diverting materials from landfill disposal and into material recovery or other processing facilities. These downstream goals and expectations, however, have not been effective in addressing the larger problem. Despite convincing evidence that emerged as early as the 1950s, we've neglected policy making to correct the issue at the source of design and manufacturing. Consequently, at considerable expense, local governments and the industry now manage increasing volumes of consumer goods, many with little to no recoverable value. Although recent dialogue acknowledges the need to decrease the collateral damage from poor product and packaging design, we continue to expand the infrastructure to manage it.

Despite our experience, perhaps we have learned nothing at all. We may be relying on the same old misdirected focus to address one of the largest components in the municipal waste stream. Is it possible, just as we allowed with packaging, that we are about to facilitate the generation of an ever-increasing amount of food waste, instead of tackling its root causes?

As Hunger Action Month ends, let's examine current food wastage statistics and activities to see where there is momentum, where it leads and the opportunities it passes by. Be assured that the problem is multi-faceted and complex. At issue is a resource intensive system with flaws from both an ecological and economical perspective. From the point of cultivation through the final disposition of the crops/products, the amount of food lost or wasted affects water consumption, water pollution, greenhouse gas emissions and

energy consumption. In addition, there are humanitarian concerns like availability and affordability.

Quantifying the Losses

When various points in the supply chain are examined from farm to fork, U.S. food wastage estimates run from 60 to 67 million tons per year. Using a caloric intake methodology, at least one organization, the National Institute of Health, claims food losses to be as high as 80 million tons per year. The discrepancies are bothersome, but are attributable to a lack of consistent scopes and methods of gathering data, as well as the different sources of loss in the process. Standardizing the metrics would make the problem easier to understand and resolve.

Food waste represents 21.6 percent, or 29.3 million tons, of the municipal waste stream disposed in landfills in 2014, as well as 21.6 percent or approximately 7 million of the municipal waste combusted for energy recovery percent. Those figures, reported by the U.S. Environmental Protection Agency (EPA), do not account for an almost equal amount of food losses, which are still occurring at other points of the cycle, but traditionally not managed like waste.

About 43 percent of the food waste generated comes from our homes. Another 26 percent originates from institutions, food services and restaurants. Retail grocers, including the distribution network are responsible for about 13 percent. Combined, these sources represent 82 percent of the wasted food in the U.S. It is safe to assume that a significant portion of the food wasted by these sources is landfill bound because, according to EPA, only 5 percent of the food waste generated is recovered.

Emerging Waste Policies

Clearly, on either coast, landfill diversion of food waste generated in commercial and institutional venues is the target of state and local policy. Residential collection programs are growing as well.

The tendency to focus on new methods and advanced technologies to manage food waste is strikingly similar to our national approach to overall municipal waste management in the 1980s and 1990s. Remote state of the art landfills and waste-to-energy facilities were almost always favored over local, more organic solutions. The expansion of curbside recycling programs, and eventually large automated material recovery facilities, were part of the overall scheme.

Considering the amount of food waste currently disposed, the goal of contemporary policymaking to redirect the disposed material to alternative processes is understandable. If those decisions stem from the premise that our previous attempts at harnessing the waste stream were successful, we need to stop and reflect. When we measure the waste stream on a per unit or volume based metric and not weight, it's easy to see, despite our efforts, the flow of material remains staggering. We dedicated our resources to ramping up an infrastructure, complete with recovery mechanisms, to accommodate the escalating tons of municipal waste, but put forth little effort into arresting its growth upstream. We've paid a hefty price.

The Road Not Taken

If we are really hoping to put a dent in the amount of food waste entering the system, we need to have higher aspirations than our former policymakers. In our compartmentalized bureaucracy, we have been conditioned to regulate the problem, rather than the contributing factors.

Today, we're prepared to make substantial investments in new or expanded anaerobic digesters, citywide in-sink disposal units, commercial composting facilities, specialized containers and collection vehicles, in addition to maintaining the existing collection network and disposal sites. In many states, we are more tolerant of small community-focused and farm-based composting solutions. None of these options, however, incentivize source reduction or waste minimization. Some of the large-scale choices are dependent on a dedicated flow of material to operate successfully and cost effectively. That alone should make us pause.

Before we create a large, waste-sucking vortex that parallels capacity already available, even if the existing capacity isn't everybody's preferred solution, shouldn't we first be advocating to reduce the food waste making its way to the end of the pipeline? Through more effective policy, we could proactively lessen the waste entering the system and minimize future capital outlays. In other words, reduce the problem, not just manage it, while simultaneously realizing a greater positive environmental impact.

Once food reaches the consumer its footprint from transport, storage, and often cooking, is larger than at any previous point in the supply chain. Therefore, food discarded by restaurants, food services, households and grocers represents a higher economic and ecologic loss. Evidence suggests that upstream solutions are more effective at reducing the total impact of consumer-related wasted food than recovery of discards before disposal. Doesn't it make sense to turn off the faucets before investing in larger receptacles to contain the flow?

Prevention Over Processing

We know that universal date labeling standards could nearly eradicate the single most contributing factor to premature disposal of food. Improved

packaging requirements could extend shelf life and offer smaller portion controlled options. Both are practical solutions that directly influence consumer food purchases and discards.

Removing the fear of legal liabilities and rethinking the donated food eligibility criteria could open the flow of perfectly edible foods to the nutritionally insecure. Investments in a redistribution infrastructure could expedite the delivery of surplus and excess food from wholesale and retail sources directly to those who can identify and service those in need. The expansion of home delivery networks could reduce over buying, while also reaching those unable to drive or without access to transportation.

Although farm losses are lesser by weight than the consumers are, they still represent 16 percent of the total. Improvements in contract provisions, harvesting, grading, etc. are needed to improve the situation. Finally feeding livestock with food scraps is practical move.

Agencies like the EPA and the U.S. Department of Agriculture and organizations like ReFed, Feeding America and the National Resource Defense Fund have suggested and support these upstream improvements. We need to start with solutions at the top of the hierarchy, not the lower rungs. This is our opportunity.

Michele Nestor is the President of Nestor Resources Inc., based in the Greater Pittsburgh area, and chair of the board of directors, of the Pennsylvania Recycling Markets Center, Penn State, Harrisburg. She helps private and public sector organizations develop strategic plans to survive in a transitioning marketplace.

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