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David Haubert, County of Alameda

Trish Herrera Spencer, City of Alameda

Preston Jordan, City of Albany

Dianne Martinez, City of Emeryville

Jenny Kassan, City of Fremont

Mike Hannon, City of Newark

Shelia Young, Oro Loma Sanitary District

Jen Cavanaugh, City of Piedmont

Jack Balch, City of Pleasanton

Jaime Patiño, City of Union City

Timothy Burroughs, Executive Director

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

Thursday, November 10, 2022

9:00 A.M.

TELECONFERENCE MEETING

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

This meeting will be held entirely by teleconference. All Board members, staff, and the public will only participate via the Zoom platform using the process described below. The meeting is being conducted in compliance with the Brown Act, which was amended by AB 361, suspending certain teleconference rules due to the ongoing state of emergency and state and local health officials' recommendations to maintain social distancing. The purpose of these amendments was to provide the safest environment for the public, elected officials, and staff while allowing for continued operation of the government and public participation during the COVID-19 pandemic.

Members of the public may attend and participate in the meeting by:

1. Calling US: +1 669 900 6833 and using the webinar id 817 3458 6484
2. Using the [Zoom](#) website or App and entering meeting code 817 3458 6484

Board members and any other individuals scheduled to speak at the meeting will be sent a unique link via email to access the meeting as a panelist. All Board members **MUST** use their unique link to attend the meeting. During the meeting the chair will explain the process for members of the public to be recognized to offer public comment. Public comment is generally limited to three minutes per person for each agenda item. The process will be described on the StopWaste website at <http://www.stopwaste.org/virtual-meetings> no later than Wednesday, November 9, 2022 at 5:00 p.m. The public may also comment by sending an e-mail to publiccomment@stopwaste.org. Written public comment will be accepted until 3:00 p.m. on the day prior to the scheduled meeting. Copies of all written comments submitted by the deadline above will be provided to each Board Member and will be added to the official record. Comments will not be read into the record.

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

AGENDA

I. CONVENE MEETING

II. ROLL CALL OF ATTENDANCE

III. PUBLIC COMMENTS

Open public discussion from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Programs & Administration Committee, but not listed on the agenda.

Page IV. CONSENT CALENDAR

1 1. Approval of the Draft Minutes of October 13, 2022

3 2. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361

Adopt Resolution #PA 2022-11.

V. REGULAR CALENDAR

7 1. Rules of Procedure for Teleconferencing at Waste Management Authority Board and Committee Meetings (Timothy Burroughs)

Recommend that the WMA Board adopt Resolution 2022-17 to remove the limit on the number of Board Members who may utilize teleconferencing for Board and Committee meetings and to incorporate the Just Cause and Personal Emergency provisions of AB 2449.

VI. MEMBER COMMENTS

VII. ADJOURNMENT – to December 8, 2022 at 9:00 a.m.

DRAFT

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

Thursday, October 13, 2022

9:00 A.M.

TELECONFERENCE MEETING

Members Present:

County of Alameda
City of Alameda
City of Albany
City of Berkeley
City of Dublin
City of Emeryville
City of Fremont
City of Newark
Oro Loma Sanitary District
City of Piedmont
City of Pleasanton
City of Union City

David Haubert
Trish Herrera Spencer
Rochelle Nason (alternate)
Susan Wengraf
Melissa Hernandez, Chair
Dianne Martinez, Chair
Jenny Kassan
Mike Hannon
Shelia Young
Jen Cavanaugh
Jack Balch
Jaime Patiño

Staff Present:

Timothy Burroughs, Executive Director
Pat Cabrera, Administrative Services Director
Justin Lehrer, Operations Manager
Alma Freeman, Communications Manager
Meghan Starkey, Senior Management Analyst
Adrienne Ramirez, Assistant Clerk of the Board
Arliss Dunn, Clerk of the Board

Others Present:

Angela Vincent, City of Alameda
Elizabeth Carrade, City of Albany
Allyn McAuley, City of Fremont
Judy Erlandson, City of Livermore

I. Convene Meeting

Chair Melissa Hernandez called the meeting to order at 9:02 a.m. Timothy Burroughs explained the process that would be utilized during the meeting. A link to the process is available here: [Virtual-Meetings-Instructions](#).

II. Public Comments

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

III. CONSENT CALENDAR

- 1. Approval of the Draft Minutes of September 8, 2022**
- 2. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361**

Adopt Resolution PA #2022-10.

There were no public comments for the Consent Calendar. Board member Haubert moved approval of the Consent Calendar and Board member Young seconded. The motion carried 12-0. The Clerk called the roll:

(Ayes: Balch, Cavanaugh Hannon, Haubert, Hernandez, Kassan, Martinez, Nason, Patiño, Spencer, Wengraf, Young. Nays: None. Abstain: None. Absent: None)

IV. REGULAR CALENDAR

- 1. Municipal Panel: SB 1383 Implementation (Meghan Starkey)**

This item is for information only.

Timothy Burroughs introduced the item. Meghan Starkey provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [SB1383-Memo.pdf](#). Ms. Starkey introduced Angela Vincent, Alameda; Elizabeth Carrade, Albany; Allyn McAuley, Fremont; and Judy Erlandson, Livermore. The topic focused on local implementation of SB 1383, the Short-Lived Climate Pollutant Reduction Act, which requires a 75% reduction in statewide disposal of organics and 20% of edible food recovered for human consumption. Each presenter discussed their various programs and approaches to meeting this mandate in their cities.

The Board was provided additional time for discussion and for clarifying questions. An audio link to the discussion is available here: [Muni-Panel-SB1383-Discussion](#)

There were no public comments on this item. Chair Hernandez thanked staff and the presenters for their very informative presentation and stressed the importance of informing the public about the requirements of SB 1383.

V. MEMBER COMMENTS

There were none.

VI. ADJOURNMENT – to November 10, 2022 at 9:00 a.m.

The meeting adjourned at 9:50 a.m.



DATE: November 10, 2022

TO: Programs & Administration Committee

FROM: Timothy Burroughs, Executive Director

SUBJECT: Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361

SUMMARY

On September 16, 2021, the Governor signed into law as an urgency measure, AB 361 (Rivas), which allows local legislative bodies to continue to meet by teleconference in order to promote public health and safety, subject to certain conditions, which must be reconsidered every 30 days. At its November 10, 2022, meeting, the Programs & Administration Committee will consider a resolution to approve and direct the continued use of teleconferencing for its public meetings to enable social distancing, as long as the findings required by AB 361 are met and other provisions of the Brown Act are followed.

DISCUSSION

In light of the continued state of emergency declared by the Governor related to COVID-19, state and local officials have imposed or recommended measures to promote social distancing. This direction from state and local health officials is based on the increased safety protection that social distancing provides as one method to reduce the risk of COVID-19 transmission.

The state of emergency and associated direction from state and local health officials to promote social distancing continues to impact the ability for the Programs & Administration Committee to meet safely in person. The direction from public health officials that informs the findings in the attached resolution has not changed. Therefore, staff recommends that the Committee approve the attached resolution to direct the continued use of teleconferencing for its public meetings to enable social distancing, as long as the findings required by AB 361 are met and other provisions of the Brown Act are followed. The Committee will need to revisit the need to conduct meetings remotely at least every 30 days following adoption of the attached resolution.

RECOMMENDATION

Adopt resolution #PA 2022-11.

Attachment: Programs & Administration Committee Resolution #PA 2022-11

**PROGRAMS & ADMINISTRATION COMMITTEE
RESOLUTION #PA 2022-11**

**MOVED:
SECONDED:**

AT THE MEETING HELD NOVEMBER 10, 2022

WHEREAS, in response to the COVID-19 pandemic, the Governor adopted a series of Executive Orders allowing the legislative bodies of local governments to meet remotely via teleconference so long as other provisions of the Brown Act were followed; and

WHEREAS, on September 16, 2021, the Governor signed into law as an urgency measure, AB 361, which allows for the continued use of remote meetings by local legislative bodies subject to certain conditions, which must be reconsidered every 30 days; and

WHEREAS, the Programs & Administration Committee has considered the current state of health guidance related to public meetings in Alameda County and finds it necessary to continue with remote meetings to promote public health and safety.

NOW THEREFORE BE IT RESOLVED, that the Programs & Administration Committee approves and directs the continued use of teleconferencing for its public meetings based on the following findings required by Government Code Section 54953(e), as amended by AB 361:

- The entire State of California remains under a proclaimed state of emergency as declared by the Governor of the State of California related to the COVID-19 pandemic.
- State and local officials have imposed or recommended measures to promote social distancing. For example, on September 23 the Alameda County Health Care Services Agency Director recommended social distancing at all meetings of the Board of Supervisors and its committees. This recommendation is consistent with the Division of Occupational Safety and Health of California's (Cal/OSHA) Emergency Temporary Standards, which require employers to train and instruct employees that the use of social distancing helps combat the spread of COVID-19 (8 Cal. Code Regs. 3205(c)(5)(D).).
- The state of emergency continues to directly impact the ability to meet safely in person. For example, given the constraints of the Program & Administration Committee's available meeting spaces, social distancing is difficult without severely limiting space for members of the public to attend.
- The Committee anticipates this resolution will appear on its consent calendar for review and ratification or update at each regular Committee meeting for as long as the Governor's proclaimed state of emergency related to the COVID-19 pandemic remains in effect and the Committee desires to continue remote public meetings.

BE IT FURTHER RESOLVED, that:

1. Programs & Administration Committee meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361, to better ensure the health and safety of the public.
2. The Programs & Administration Committee will reconsider the circumstances of the state of emergency and the need to conduct meetings remotely at least every 30 days following adoption of this resolution.
3. If the Committee determines the need still exists at each 30-day mark, the determination will be ratified by a vote of the Committee documented in the minutes of that meeting.

Passed and adopted this 10th day of November 2022 by the following vote:

AYES:

NOES:

ABTAIN:

ABSENT:

Arliss Dunn, Clerk of the Board

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DATE: November 10, 2022

TO: Programs and Administration Committee

FROM: Timothy Burroughs, Executive Director

SUBJECT: Rules of Procedure for Teleconferencing at Waste Management Authority Board and Committee Meetings

SUMMARY

In March 2022, the Waste Management Authority (WMA) Board adopted interim amendments to the Board's Rules of Procedure to remove the limit on the number of Board Members who may utilize teleconferencing for Board and Committee meetings, consistent with the Brown Act. The Board directed that the interim amendments would be in place until the end of the calendar year, at which time the Board would reevaluate and consider next steps. The purpose of this memo is for the Programs & Administration (P&A) Committee to consider providing a recommendation to the WMA Board to retain the approved amendments moving forward.

In addition, at the same time as affirming the above-mentioned amendments, staff recommends that the Committee recommend that the Board also adopt amendments to the Rules of Procedure to incorporate the provisions of Assembly Bill (AB) 2449, which was signed by the Governor in September 2022 and adds a new limited teleconferencing option for Board and Committee members.

DISCUSSION

Amendments to Rules of Procedure to remove limits on the number of Board Members who may participate remotely – Prior to the interim amendments approved by the WMA Board in March 2022, the WMA Board's Rules of Procedure, which are approved and can be revised by the Board, stated that no more than four Board members may utilize teleconferencing for a WMA Board meeting at no more than four teleconferencing locations. The Rules of Procedure also stated that for the P&A Committee, no more than two Committee members may utilize teleconferencing at a given Committee meeting, at no more than two teleconferencing locations.

The November P&A Committee meeting is an opportunity to evaluate the Board's interim amendments to remove the limit on the number of Board Members who may utilize

teleconferencing for Board or Committee meetings. Staff recommends that the Committee recommend to the WMA Board to affirm the approved amendments moving forward. As was discussed by the Committee in March, it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of Board Members who may participate by teleconference. Further, providing a teleconference option for Board Members creates environmental benefits from reduced vehicle miles travelled, as well as health benefits. The Board has also demonstrated its ability to efficiently and effectively carry out its work while participating remotely.

Amendments to the Rules of Procedure to incorporate provisions of AB 2449 – The passage of AB 2449 means that there are now three distinct options for Board Members to teleconference for board and committee meetings:

1. “The Usual” option: This option is generally the teleconferencing option that has historically been available; it requires the Board member to post a hard copy of the agenda at their remote location and allow the public to physically attend the meeting at the location where the Board member is located (e.g., Board member’s home, office, or hotel room). This option does not have a sunset. (See Government Code section 54953(b).)
2. “The Covid Emergency (AB 361)” option: This is the teleconferencing option the legislature adopted in September 2021 (AB 361) in response to COVID-19; it requires the Board to monthly make certain findings regarding the state of emergency and its impact on the ability to safely meet, and/or the continued imposition or recommendation of measures to promote social distancing. As law, AB 361 sunsets at the end of 2023 but it will actually become unavailable on February 28, 2023 because the Governor has announced he will rescind the COVID emergency declaration as of that date. The existence of a state of emergency is one of the findings the Board is required to make in order to participate remotely using the streamlined teleconferencing rules created by AB 361. (See Government Code section 54953(e).)
3. “The Just Cause or Personal Emergency” option created by AB 2449: This new option provides two distinct grounds for a Board or Committee Member to attend remotely: (i) for Just Cause, or (ii) for a personal Emergency. The legislation provides somewhat complicated criteria that must be satisfied, procedures that must be implemented, and limitations on the number of times a Board Member can rely on these bases to attend remotely. This option is scheduled to sunset at the end of 2025. (See Government Code section 54953(f)¹.) A detailed review of the provisions of AB 2449 is included below.

Using the Just Cause and Personal Emergency options included in AB 2449

As long as the WMA continues to make findings under the COVID Emergency options (AB 361), there is no need for any Board Member to use the Just Cause/Personal Emergency option. The Just

¹ This is renumbered to Section 54953(e) for 2024 and 2025 after AB 361 sunsets.

Cause/Personal Emergency option is only relevant once the COVID Emergency option (AB 361) is not available.

For a Board member to rely on either the Just Cause or Personal Emergency provisions to remotely attend a Board or Committee meeting the following requirements must be met:

1. At least a quorum of the Board must be present at a singular physical location clearly identified on the agenda. If there is less than a quorum at the specified location, then no Board Member may participate using either the Just Cause or Personal Emergency provisions. If one or more Board Members attending at the specified physical location leave the meeting such that there is less than a quorum at that location, then any Board Members using the Just Cause or Personal Emergency provisions may no longer participate in the meeting. The meeting may continue without those Board members as long as there is a quorum of Board Members participating in person or from remote locations using “The Usual” option.
2. The Agency must notice the meeting and meet certain minimum technological requirements similar to those currently in place. Specifically, the WMA must provide (1) for public observation of the meeting via either a two-way audiovisual platform, or a two-way telephonic service accompanied by live webcasting; (2) opportunities for the public to comment via a call-in option, an internet-based option, and an in-person location; (3) information on how to observe and comment in all notices of the meeting; and (4) procedural protections to ensure that the Board takes no action during a disruption that prevents the public from observing or commenting on the meeting.
3. The Board Member must participate via both audio and visual technology (e.g., Zoom with camera turned on). If the Board member’s audio or visual connection is lost during the meeting, the Board Member may not participate until the problem is resolved. Note that this requirement differs from “the Usual” option which allows participation by audio only.
4. The Board Member must disclose at the meeting before action is taken whether there are any adults in the room with the Board member and must disclose the general nature of the member’s relationship with any such individuals.
5. The Board Member must not have exceeded the limits on use of the Just Cause and Personal Emergency provisions during the calendar year. No member may participate remotely using those provisions more than three consecutive months or 20 percent of the regular Board meetings within a calendar year. The WMA and P&A Committee each meet 11 times per year; 20 percent of 11 is 2.2. This means that Board Members may rely on one or both of the Just Cause and Personal Emergency provisions no more than a total of two times per year for Board meetings and two times per year for P&A Committee meetings.
6. The Board Member must inform the Board or Committee of their need to participate remotely for Just Cause or a Personal Emergency “at the earliest opportunity possible.” The legislation acknowledges that this may be as late as the start of the meeting in question.

If the requirements above are satisfied, then a Board Member may rely on either the Just Cause or Personal Emergency if the following additional requirements are satisfied:

Just Cause – A Board Member may rely on this provision based on a need related to: (a) caregiving for certain family members, (b) a contagious illness, (c) a physical or mental disability, and (d) travelling while on official business for a public agency. The Board Member is required to provide a general description of the circumstances relating to their need to appear remotely for just cause.

Personal Emergency – This provision requires the Board or Committee to approve remote participation and applies only to medical emergencies for the Board Member or their family. The Board member must request approval of remote participation and provide a general description of the circumstances. This description generally need not exceed 20 words and does not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law. There must be a separate request for each meeting at which the member wishes to participate remotely. The Board or Committee may add such requests to the agenda as an urgency item. The law does not provide any guidance on standards to be used by the Board in considering requests for remote participation.

Staff recommends that the Board add a standing agenda item to receive Just Cause reports and Personal Emergency Requests. In the event of such a report the Clerk can verify that the baseline procedural requirements above have been satisfied. Note, however, that if a quorum of the Board or Committee is not attending from a single physical location, neither option will be available, and the Personal Emergency option will be available only at the discretion of the full Board or Committee. For these reasons, once AB 361 is no longer in effect, Board Members unable to attend in person or at a noticed remote location under “the Usual” procedures should consider sending their alternate.

The following table summarizes the discussion above.

	Teleconferencing Options		
	Usual	Covid Emergency	Just Cause or Personal Emergency
Public must be allowed to attend in person at Board member's remote location?	Yes	No	No
Limit on # of Board members that can use this option at the same time?	No (as long as the Board affirms its interim amendments removing this limit in the Rules of Procedure)	No	Yes, at least a quorum must be present at "a singular physical location clearly identified on the agenda"
Limit on # of times a Board member can use the option?	No	No	Yes
Board member must use both audio + visual technology?	No, audio only is acceptable	No, audio only is acceptable	Yes
Quorum of Board members need to attend from locations in the jurisdiction?	Yes, although can be remote locations within the Alameda County	No	Yes (see note above regarding location of quorum)
Required to provide a physical meeting location for public?	Yes, at standard location where regular meeting held in person + at Board member's remote location	No	Yes

Required to provide call-in or internet-based broadcast for public?	No	Yes, although minimum standards not described	Yes, either a two-way audiovisual platform or a two-way telephonic service + live stream; public must be able to provide comment via a call-in option, an internet-based option, and an in-person location
Action must stop if broadcast for public disrupted?	No, no express requirement although City could choose to pause until technology issue resolved and may be prudent to do so	Yes	Yes
Planned to sunset?	No	Yes, law sunsets at end of 2023 and is no longer in effect as of February 28, 2023	Yes, sunsets at end of 2025

RECOMMENDATION

The P&A Committee recommends that the WMA Board adopt Resolution 2022-17 to remove the limit on the number of Board Members who may utilize teleconferencing for Board and Committee meetings and to incorporate the Just Cause and Personal Emergency provisions of AB 2449.

Attachment A: #WMA Resolution 2022-17

Attachment B: March 23, 2022, WMA Board Memo and Resolution approving interim amendments to the Rules of Procedure to remove the limit on the number of Board Members who may utilize teleconferencing

ATTACHMENT A

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY BOARD

RESOLUTION #WMA 2022-17

**MOVED:
SECONDED:**

AT THE MEETING HELD December 14, 2022

AMENDMENTS TO THE RULES OF PROCEDURE REGARDING TELECONFERENCING

WHEREAS, the Alameda County Waste Management Authority Rules of Procedure allow no more than four WMA Board members to utilize teleconferencing at a Board meeting at no more than four teleconferencing locations, and

WHEREAS, the WMA Board Rules of Procedure allow no more than two members of the Programs & Administration Committee to utilize teleconferencing at a Committee meeting at no more than two teleconference locations, and

WHEREAS, on March 23, 2022, the WMA Board adopted interim amendments to the Board's Rules of Procedure to remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings and directed that the interim amendments remain in place until the end of calendar year 2022, at which time the Board would reevaluate and consider next steps, and

WHEREAS, it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of Board members who may participate by teleconference, the Board has demonstrated that it can efficiently and effectively carry out its work while participating remotely, and having the option to participate remotely creates both environmental and health benefits, and

WHEREAS, Assembly Bill 2449 (Rubio) was signed by the Governor on September 13, 2022 and creates a new limited option for Board members to teleconference for board and committee meetings, and

WHEREAS, amendments to the WMA Rules of Procedure are required in order to incorporate the provisions of AB 2449, and

WHEREAS, the Brown Act sets strict rules for teleconferencing, designed to enable members of the public to access and participate in meetings of legislative bodies at teleconference locations, and

WHEREAS, the Programs & Administration Committee has recommended to the WMA Board amendments to the Rules of Procedure that would remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings and that would incorporate the provisions of AB 2449.

NOW THEREFORE, BE IT RESOLVED, that Section 3-8 of the WMA Rules of Procedure is amended to read as follows:

WMA Board members who are unable to attend a meeting in person or at a noticed remote location 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 the Brown Act as follows: No more than four WMA Board members may utilize teleconferencing at a WMA Board meeting at no more than four teleconferencing locations.

1. Noticed Location. A WMA Board member wishing to utilize teleconferencing from a noticed location 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.
2. Just Cause or Personal Emergency. A WMA Board member wishing to utilize teleconferencing under the Brown Act's just cause or personal emergency procedures shall notify the Clerk of the Board at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely together with a general description of the circumstances relating to their need to appear remotely. If the Board member is requesting authorization to use the personal emergency procedures the Board shall consider, at the outset of the meeting, whether to approve the request. If a quorum of the Board is not participating in person from the WMA offices (or other specific physical location clearly identified on the agenda) then no Board member may participate using the just cause or personal emergency procedures. A Board member may teleconference pursuant to this provision no more than two times per year. For the purposes of this subsection 2:
 - The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.
 - The member shall participate through both audio and visual technology.
 - "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.
 - "Just cause" means any of the following: (1) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely; (2) A contagious illness that prevents a member from attending in person; (3) A need related to a physical or mental disability; (4) Travel while on official business of the WMA or another state or local agency.

Votes at a WMA Board meeting where teleconferencing is utilized will be taken by roll call and all other applicable requirements of the Brown Act will be followed. ~~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.

BE IT FURTHER RESOLVED, that Section 5-13 of the WMA Rules of Procedure is amended to read as follows:

Committee members unable to attend a meeting in person may participate in meetings by teleconference in accordance with the procedures set forth in Section 3-8 of these Rules of Procedure.

Passed and adopted this 14th day of December 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Arliss Dunn, Clerk of the Board

DATE: March 23, 2022

TO: Waste Management Authority Board

FROM: Timothy Burroughs, Executive Director

SUBJECT: Rules of Procedure for Teleconferencing at Waste Management Authority and Committee Meetings

SUMMARY

The Waste Management Authority (WMA) Rules of Procedure, which are approved and can be revised by the Board, state that no more than four Board members may utilize teleconferencing for a WMA Board meeting at no more than four teleconferencing locations. The Rules of Procedure also state that for the Programs and Administration (P&A) Committee, no more than two Committee members may utilize teleconferencing at a given Committee meeting, at no more than two teleconferencing locations.

On March 10, 2022, the P&A Committee approved a resolution by a vote of 9-0 (Hannon, Patiño, and Martinez, absent) recommending that the WMA Board adopt interim amendments to the Rules of Procedure, consistent with the Brown Act, to remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings. The interim amendments would be in place until the end of calendar year 2022, at which time the Board would reevaluate and consider next steps. Attached to this memo is a resolution for the WMA Board to consider that would approve the P&A Committee recommendation.

DISCUSSION

Staff provided a detailed discussion of the recommendation approved by the P&A Committee in a memo to the Committee for its March 10, 2022, meeting. Please see the memo and resolution approved by the Committee attached. Also attached is a resolution for the WMA Board to review and consider.

Finally, as was discussed with the P&A Committee, staff encourages the Board to attend the May 25, 2022, Board meeting in person, which is the date the Board will consider Agency budget adoption, and also attend in person the last meeting of the calendar year in December to review 2022 accomplishments and prepare for the new year.

RECOMMENDATION

The Programs and Administration Committee recommends that the WMA Board adopt Resolution #WMA 2022-04 to remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings, and that this amendment to the Rules of Procedure be approved on an interim basis, until the end of calendar year 2022.

Attachment 1: #WMA Resolution 2022-04

Attachment 2: March 10, 2022, Memo to the P&A Committee

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY BOARD

RESOLUTION #WMA 2022-04

MOVED:
SECONDED:

AT THE MEETING HELD MARCH 23, 2022

INTERIM AMENDMENTS TO THE RULES OF PROCEDURE REGARDING TELECONFERENCING

WHEREAS, the Alameda County Waste Management Authority Rules of Procedure allow no more than four WMA Board members to utilize teleconferencing at a Board meeting at no more than four teleconferencing locations, and

WHEREAS, the WMA Board Rules of Procedure allow no more than two members of the Programs & Administration Committee to utilize teleconferencing at a Committee meeting at no more than two teleconference locations, and

WHEREAS, these limitations were suspended during the COVID-19 public health emergency to allow all Board members to participate via teleconference to protect public health and safety and will take effect at such time as the Board and Programs & Administration Committee resume in person meetings, and

WHEREAS, the Brown Act sets strict rules for teleconferencing, designed to enable members of the public to access and participate in meetings of legislative bodies at teleconference locations, and

WHEREAS, having corresponded with several other public agencies that operate in Alameda County and the Bay Area, staff has found that it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of Board members who may participate by teleconference, and

WHEREAS, the Programs & Administration Committee has recommended to the WMA Board amendments to the Rules of Procedure that would remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings for an interim period, until the end of calendar year 2022, and the Recycling Board/Programs Committee has made a comparable change to its rules of procedure.

NOW THEREFORE, BE IT RESOLVED, that beginning at such time as the Board and Programs & Administration Committee resume in person meetings and until December 31, 2022:

1. The following sentences in section 3-8 of the Rules of Procedure (concerning teleconferencing at WMA Board meeting) shall not apply:

“No more than four WMA Board members may utilize teleconferencing at a WMA Board meeting at no more than four teleconferencing locations.”

“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.”

2. The following sentences in section 5-13 of the Rules of Procedure (concerning teleconferencing at Programs and Administration Committee meetings) shall not apply:

“No more than two Committee members may utilize teleconferencing per Committee meeting at no more than two teleconferencing locations.”

“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.”

Passed and adopted this 23rd day of March 2022 by the following vote::

AYES:

NOES:

ABSENT:

ABSTAINED:

Arliss Dunn, Clerk of the Board



DATE: March 10, 2022

TO: Programs and Administration Committee

FROM: Timothy Burroughs, Executive Director

SUBJECT: Rules of Procedure for Teleconferencing at Waste Management Authority and Committee Meetings

SUMMARY

The Waste Management Authority Rules of Procedure, which are approved and can be revised by the Board, state that no more than four Board members may utilize teleconferencing for a WMA Board meeting at no more than four teleconferencing locations. The Rules of Procedure also state that for the Programs and Administration (P&A) Committee, no more than two Committee members may utilize teleconferencing at a given Committee meeting, at no more than two teleconferencing locations. The purpose of this memo is for the P&A Committee to consider recommending to the WMA Board interim amendments to the Rules of Procedure, consistent with the Brown Act, to remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings. The interim amendments would be in place until the end of calendar year 2022, at which time the Board would reevaluate and consider next steps.

DISCUSSION

In order to promote public health and safety, the WMA Board and P&A Committee have met exclusively by teleconference since the onset of the COVID-19 pandemic in March 2020. Initially, it was an Executive Order issued by the Governor that streamlined legislative body teleconferencing by suspending certain Brown Act rules, including the requirements that all teleconference locations be made available for the public, that each teleconference location be identified on the agenda, and that the agenda be posted at each teleconference location. Then, on September 16, 2021, the Governor signed AB 361 into law, which amends the Brown Act to allow local legislative bodies to continue to meet by teleconference as they did under the Executive Order subject to various procedural safeguards that have consistently been a part of the WMA Board's practice. The "streamlined" teleconferencing pursuant to AB 361 is allowed only when the Governor has declared a state of emergency and the legislative body confirms every 30 days that state or local health officials have imposed or recommended measures to promote social distancing. The law remains in effect until January 1, 2024.

At such time as the streamlined procedures are no longer in place, the Board's standard Rules of Procedure will take effect. If the Board makes interim amendments to the Rules of Procedure regarding teleconferencing, then those changes would become effective at that time instead.

Staff is recommending that the P&A Committee and ultimately the WMA Board consider removing the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings. Current limits on the number of Board members who may teleconference are in Sections 3-8 and 5-13 of the WMA Board Rules of Procedure (Attachment 1).

Staff recommends that the Board make this amendment on an interim basis, until the end of calendar year 2022, at which time the Board would reevaluate the interim rules and decide on next steps.

Having corresponded with several other public agencies that operate in Alameda County and the Bay Area, staff has found that it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of Board members who may participate by teleconference. Public agencies throughout the region are in the process of setting up "hybrid" meeting procedures, meaning that members of the legislative body, agency staff, and members of the public may participate in Board meetings either in person or via teleconference. The StopWaste Board room is equipped for hybrid meetings.

If the Board chooses to adopt interim amendments to the rules of procedure, then staff will provide specific instructions for Board and Committee members to ensure that Brown Act rules are followed. Specifically, the Brown Act requires the following once the streamlined procedures of AB 361 are no longer in effect:

- At least a quorum of the legislative body must participate from locations within the local agency's jurisdiction (i.e., Alameda County);
- Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable;
- Agendas must be posted at each teleconference location, even if a hotel room or a residence;
- Each teleconference location, including a hotel room or residence, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate;
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location; and
- All votes must be by roll call.

Importantly, once a teleconference location is noticed to the public, Board members must ensure that someone is at the location at the time of the meeting to provide public access to the space and to provide the public the ability to make comments. Also, Board members must provide the Clerk of the Board with their meeting location details at least one week prior to the Board meeting to ensure that the Agency meets required noticing deadlines.

Finally, staff encourages the Board to attend the May 25, 2022, Board meeting in person, which is the date the Board will consider Agency budget adoption, and also attend in person the last meeting of the calendar year in December to review 2022 accomplishments and prepare for the new year.

RECOMMENDATION

Adopt Resolution #PA 2022-04 to recommend that the WMA Board remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings, and that this amendment to the Rules of Procedure be approved on an interim basis, until the end of calendar year 2022.

Attachment 1: Current Alameda County Waste Management Authority Board Rules of Procedure

PROGRAMS & ADMINISTRATION COMMITTEE

RESOLUTION #PA 2022-04

**MOVED:
SECONDED:**

AT THE MEETING HELD MARCH 10, 2022

INTERIM AMENDMENTS TO THE RULES OF PROCEDURE REGARDING TELECONFERENCING

WHEREAS, the Alameda County Waste Management Authority Rules of Procedure allow no more than four WMA Board members to utilize teleconferencing at a Board meeting at no more than four teleconferencing locations, and

WHEREAS, the WMA Board Rules of Procedure allow no more than two members of the Programs & Administration Committee to utilize teleconferencing at a Committee meeting at no more than two teleconference locations, and

WHEREAS, these limitations were suspended during the COVID-19 public health emergency to allow all Board members to participate via teleconference to protect public health and safety and will take effect at such time as the Board and Programs & Administration Committee resume in person meetings, and

WHEREAS, the Brown Act sets strict rules for teleconferencing, designed to enable members of the public to access and participate in meetings of legislative bodies at teleconference locations, and

WHEREAS, having corresponded with several other public agencies that operate in Alameda County and the Bay Area, staff has found that it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of board members who may participate by teleconference, and

WHEREAS, staff is recommending that the Programs & Administration Committee consider recommending to the WMA Board amendments to the Rules of Procedure, removing the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings for an interim period, until the end of calendar year 2022,

NOW THEREFORE, BE IT RESOLVED, that the Programs & Administration Committee recommends that the WMA Board remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings, and that this amendment to the Rules of Procedure be approved on an interim basis, until the end of calendar year 2022.

Passed and adopted this 10th day of March 2022 by the following vote::

AYES:

NOES:

ABSENT:

ABSTAINED:

Arliss Dunn, Clerk of the Board

ATTACHMENT 1

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ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

WASTE MANAGEMENT AUTHORITY BOARD

RULES OF PROCEDURE

REVISED October 25, 2017

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 Rosenberg's Rules of Order (Exhibit 1) 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