

AGENDA

Tim Rood, **WMA President**
City of Piedmont, WMA, EC
Deborah Cox, **WMA 1st Vice President, EC President**
City of San Leandro, WMA, EC
Shelia Young, **WMA 2nd Vice President**
Oro Loma Sanitary District, WMA
Melissa Hernandez, **EC 1st Vice President**
City of Dublin, WMA, EC
Dan Kalb, **EC 2nd Vice President**
City of Oakland, WMA, EC
Jim Oddie, City of Alameda, WMA, EC
Keith Carson, County of Alameda, WMA, EC
Rochelle Nason, City of Albany, WMA, EC
Susan Wengraf, City of Berkeley, WMA, EC
Dave Sadoff, Castro Valley Sanitary District, WMA
Dianne Martinez, City of Emeryville, WMA, EC
Jenny Kassan, City of Fremont, WMA, EC
Francisco Zermeño, City of Hayward, WMA, EC
Bob Carling, City of Livermore, WMA, EC
Michael Hannon, City of Newark, WMA, EC
Jerry Pentin, City of Pleasanton, WMA, EC
Emily Duncan, City of Union City, WMA, EC
Wendy Sommer, Executive Director

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

Wednesday, November 20, 2019

3:00 P.M.

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

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 unless a shorter period of time is set by the President.

Page V. CONSENT CALENDAR

1 1. Approval of the Draft Minutes of October 23, 2019 (Jeff Becerra)

5 2. Lighting Contractor Authorization (Pat Cabrera)

That the WMA Board authorize the Executive to contract with Layman Electric for \$113,250 to perform the lighting replacement and reconfiguration work.

VI. REGULAR CALENDAR

- 7 1. 2020 Legislative Priorities (Jeff Becerra)**
Discuss and adopt legislative priorities for calendar year 2020.
- 9 2. SB 1383 Short Lived Climate Pollutant Strategy: Update (Kelly Schoonmaker)**
This item is for information only.
- 3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliss Dunn)**
(Planning Committee and Recycling Board meeting, December 12, 2019 at 4:00 pm, StopWaste, 1537 Webster Street, Oakland, CA)
- 11 4. BayREN 2019 Contract Amendment #2 (Candis Mary-Dauphin) (EC only)**
Adopt a Resolution authorizing the Executive Director to enter into a 2019 contract amendment of \$625,550 for Bay Area Regional Energy Network (BayREN) multifamily incentives and other related actions.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. ADJOURNMENT

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

Wednesday, October 23, 2019

3:00 P.M.

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

I. CALL TO ORDER

President Rood called the meeting to order at 3:02 p.m.

II. ROLL CALL OF ATTENDANCE

City of Alameda	Jim Oddie, WMA, EC
City of Albany	Rochelle Nason, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
Castro Valley Sanitary District	Danny Akagi, WMA (alternate)
City of Dublin	Melissa Hernandez, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC
City of Fremont	Jenny Kassan, WMA, EC
City of Hayward	Francisco Zermeño, WMA, EC
City of Livermore	Bob Carling, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Tim Rood, WMA, EC
City of Pleasanton	Jerry Pentin, WMA, EC
City of San Leandro	Deborah Cox, WMA, EC
City of Union City	Emily Duncan, WMA, EC

ABSENT:

County of Alameda	Keith Carson, WMA, EC
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Staff Participating:

Wendy Sommer, Executive Director
Jeff Becerra, Communications Manager
Arless Dunn, Clerk of the Board
Richard Taylor, WMA Legal Counsel

Others Participating:

Susan Collins, President, Container Recycling Institute
Jeff Donlevy, General Manager, Ming's Recycling
Priscilla Quiroz, Shaw Yoder Antwih Schmelzer & Lange

III. ANNOUNCEMENTS BY PRESIDENTS

There were none.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

There was none.

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V. CONSENT CALENDAR

1. Approval of the Draft Minutes of September 25, 2019 (Wendy Sommer)

There were no public comments for the Consent Calendar. Board member Hannon made the motion to approve the Consent Calendar. Board member Cox seconded and the motion carried 13-0: (Ayes: Akagi, Carling, Cox, Duncan, Hannon, Hernandez, Kassan, Martinez, Nason, Pentin, Rood, Wengraf, Young. Nays: None. Abstained: None. Absent: Carson, Kalb, Oddie, Zermeño).

VI. REGULAR CALENDAR

1. Recycling Redemption Center Closures (Justin Lehrer)

This item is for information only.

Wendy Sommer provided a brief summary of the staff report and introduced Susan Collins, President of the Container Recycling Institute, and Jeff Donlevy, General Manager of Ming's Recycling. Ms. Collins and Mr. Donlevy shared information about the impacts at the state and local levels, and ideas for addressing the causes and restoring the effectiveness of California's Bottle Bill. A link to their respective presentations are available here: [CRI-Presentation-10-23-19.pdf](#) and [East-Bay-Recycling-Centers-10-23-19.pdf](#)

Board member Duncan inquired about any solutions that would prove helpful in restoring the effectiveness of the Bottle Bill. Mr. Donlevy stated that there needs to be a bigger fix at the state level including investment in creating more recycling centers and an increase in enforcement on grocers to honor the redemption of the materials. Mr. Donlevy added the cities and the grocers need to collaborate to subsidize opening new recycling centers, and the legislation needs to allow reduced hours as well as mobile recycling centers to facilitate more flexible recycling. Board member Kalb inquired if curbside recycling is increasing as direct collection is decreasing. Mr. Donlevy stated that it is too soon to provide any analysis in that area; however, the City of San Francisco had two recycling centers and when one of the centers closed the volume at the remaining center increased 100%, but the lines were extremely long. Board member Kalb inquired if it would help or hinder to amend the Bottle Bill to include more glass, i.e. wine bottles and other glass not currently accepted. Ms. Collins stated that to add more glass would mean that people that live in recycling deserts (locations with no recycling centers) would pay more and adding more materials would not help-we need more infrastructure. Ms. Collins added with respect to an increase in curbside recycling, it is too soon to tell, but over the last six years the overall bottle recycling rate has decreased 10% from 85% to 75% as more materials are going to landfill. Mr. Donlevy stated that adding more materials to the program would only increase the already robust surplus of money in the program (currently at \$300 million). Board member Young commented that CalRecycle is holding back a significant amount of money and stated that they should give the money to the cities to invest in their own recycling centers. Ms. Collins stated that CalRecycle has approximately \$360 million in funds but they don't have the authority to carry out any of the suggestions proffered at this meeting without authorizing legislation. Mr. Donlevy stated that Senator Bob Wieckowski is interested in carrying legislation and there is a placeholder bill slated for the next legislative session. Board member Cox stated her appreciation for the handout in the staff report and added even if the cities had the funding it wouldn't be prudent for them to operate recycling facilities. Board member Zermeno inquired if there is political will in Sacramento to address the issue. Mr. Donlevy stated that it will require people reaching out to their local elected officials to take the leadership role. Mr. Donlevy added there is significant opposition to Bottle Bill fixes, including the beverage industry and waste haulers. Board member Oddie stated we are contracted with a highly respected lobbying firm and in December we will be setting our 2020

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legislative priorities, and should place the item on the agenda to discuss the issue and possibly sponsor legislation. Board member Akagi stated the data presented indicates that 2007-2012 showed a growth in the industry and inquired about what was happening during that time. Ms. Collins stated that during that period the redemption rate was increasing from \$0.04 to \$0.05 and the program was expanded to cover non-carbonated beverages. Ms. Collins added this was also prior to implementation of the cost survey which caused the downward spiral. Board member Akagi inquired if the deposits are a fixed value. Ms. Collins stated yes. Board member Akagi stated that any legislative remedy should also include an escalation of the deposit to keep up with the cost of the product. Board member Kassin inquired about the state of the industry with respect to looking at refillable bottles. Ms. Collins stated that Oregon has the most successful deposit program in the country. It is a non-profit Extended Producer Responsibility (EPR) program and the board members are comprised of manufacturers and retailers. Board member Martinez inquired if the cost survey process is written into the legislation. Ms. Collins stated yes. President Rood thanked Ms. Collins and Mr. Donlevy for their presentations. Ms. Sommer distributed the Bottle Bill topic brief available here: [Bottle-Bill-Topic-Brief-Oct-2019](#)

2. 2019 Legislative Wrap Up (Jeff Becerra)

This item is for information only.

Jeff Becerra introduced Priscilla Quiroz from our contract lobbyist Shaw Yoder Antwih Schmelzer & Lange. Mr. Becerra provided a brief summary of the staff report and Ms. Quiroz provided an overview of the legislative highlights and what to expect for 2020. A link to the staff report is available here: [Legislative-Update-10-23-19.pdf](#)

President Rood inquired about AB 1583 (The California Recycling Market Development Act) with regard to eliminating the chasing arrows symbol on products. Mr. Becerra stated that the chasing arrows symbol is confusing and misleading as it is on items that are not necessarily recyclable. Board member Oddie inquired if the agency had sponsored any bills last year and if this is something that the Board could do if it so desired. Mr. Becerra stated no, the agency did not sponsor any legislation last year but it will be part of the discussion next month. Board member Oddie inquired about AB 54 (California Beverage Container Recycling and Litter Reduction Act) and if Assembly member Ting is working to address the budget shortfall with respect to this legislation. Ms. Quiroz stated that it was being discussed and they will further look into it. Ms. Quiroz added, even though the agency did not sponsor any legislation we were very involved. Mr. Becerra added, we are closely involved with SB1383 in coordinating the comments and hopefully shaping the final legislation. Board member Hannon recommended that future legislative updates include our position on the proposed bills, and added staff should notify the Board and utilize their influence with the East Bay delegation. Board member Hannon asked for clarification regarding the term “symbolic” with regard to AB 815 (Dual-Stream Recycling). Ms. Quiroz stated that the legislation is symbolic in that it is not enforced but encourages jurisdictions to adopt dual-stream programs. Mr. Becerra stated that the City of Berkeley has a curbside dual-stream program that utilizes split carts to separate the paper from the bottles and cans, which produces a cleaner stream. Board member Hannon stated his support for the dual-stream program and added it should be a consideration as we look at future legislation. Board member Duncan inquired about SB 724 (Bottle Bill Buy-Back Centers) and inquired about the lack of support for the bill. Ms. Quiroz stated that the bill is in suspense due to the cost but we did support the bill. Board member Nason asked for clarification regarding the lack of consensus on fixing the Bottle Bill and inquired about how to reach consensus. Mr. Becerra stated that organizations that we support, such as Californians Against Waste and others that are involved that are trying to address the Bottle Bill issues, may have different priorities and so the people that may influence the legislators may not agree on what the priority fixes are. Board member Young inquired if the \$360 million that CalRecycle is holding is frozen,

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and if so, it is a disservice to the community. Ms. Collins stated that the money is just sitting in a fund, nothing is happening.

President Rood thanked Ms. Quiroz and Mr. Becerra for their report.

3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arless Dunn)

There were no requests for an interim appointment. Ms. Sommer distributed a copy of the October – December 2019 Calendar of Events.

Energy Council President Cox chaired the EC item.

4. 2019 PG&E Local Government Partnership Contract Extension and 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 other related actions.

There were no public comments on this item. Board member Kalb made the motion to approve the staff recommendation. Board member Zermeño seconded and the motion carried 18-0:

(Ayes: Carling, Cox, Duncan, Hannon, Hernandez, Kalb, Kassan, Martinez, Nason, Oddie, Pentin, Rood, Wengraf, Zermeño. Nays: None. Abstained: None. Absent: Carson)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Board member Cox extended thanks to Jeanne Nader, Program Manager, for attending and providing a very informative presentation at Assembly Member Quirk’s Reduce, Reuse, Recycle event. The event received an amazing response from the public. The event included organizations such as Goodwill, and a shredding and E-Waste company. Over 50 lbs. of batteries were collected at the event. Board member Oddie requested an electronic version of the community events.

VIII. ADJOURNMENT

The meeting was adjourned at 4:28 p.m.



DATE: November 20, 2019
TO: Waste Management Authority Board
FROM: Pat Cabrera, Administrative Services Director
SUBJECT: Lighting Contractor Authorization

SUMMARY

On November 14, 2019 the Programs and Administration Committee recommended that the Waste Management Authority (WMA) Board authorize the Executive Director to contract with Layman Electric for the office lighting replacement project.

DISCUSSION

Staff discussed the need to reconfigure and replace the upstairs lights in order to maximize energy efficiency and improve lighting conditions. Furthermore, the current fluorescent lights will be replaced with more energy efficient LEDs. LEDs do not contain mercury, reducing our contribution to the hazardous waste stream.

Staff solicited bids for the project and recommended Layman Electric at a cost of \$113,250. Since the cost of this work exceeds the Executive Director's authorization threshold, WMA Board approval is required to contract with this vendor.

The report submitted to the P&A Committee is attached.

Committee Action

By a vote of 9-0 (Absent: Kalb, Kassan, Nason), the P&A Committee recommended that the WMA Board authorize the Executive Director to contract with Layman Electric for this project.

RECOMMENDATION

That the WMA Board authorize the Executive Director to contract with Layman Electric for \$113,250 to perform the lighting replacement and reconfiguration work.

Attachment: P&A Committee Staff Memo



DATE: November 14, 2019
TO: Programs and Administration Committee
FROM: Pat Cabrera, Administrative Services Director
SUBJECT: Lighting Contractor Authorization

SUMMARY

At the November 14 Programs and Administration Committee meeting staff will request that the Committee recommend that the WMA Board approve contracting with Layman Electric for the Agency’s lighting replacement project.

DISCUSSION

The Agency has owned the StopWaste building since 2007. We have covered basic maintenance and repairs for our office in our operating budget and have encumbered funds for larger projects such as the recent kitchen renovation. We also recently established a building reserve to ensure larger projects have available funding when needed. Based on a recent evaluation of our lighting system and our work stations configuration, we have determined that the upstairs lighting needs to be upgraded and reconfigured to maximize efficiency and employee productivity. The new lighting system will be significantly more energy efficient as LEDs consume about 50% less energy than fluorescents and new controls will automatically respond to daylight conditions and provide more localized controllability. Additionally, maintenance costs will be reduced as the new fixtures have integral LEDs that do not require bulb replacements. As fluorescents contain mercury, this will reduce our contribution to the hazardous waste stream.

Staff solicited bids from six lighting contractors and received three responses. We are proposing to contract with Layman Electric at a cost of \$113,250, which includes materials and installation at prevailing wage. The other bidder, Gil’s Electric was considerably higher at \$130,685. While Degryse Electric was lower at \$94,906, the company does not pay prevailing wage and as such, is disqualified from our contracting requirements.

Because the cost of this work exceeds the Executive Director’s authorization of up to \$50,000 per vendor or contractor per fiscal year, WMA Board authorization is required.

We will be using encumbered monies to fund this project, therefore there will be no change to the Agency’s FY 19-20 core budget.

RECOMMENDATION

That the P&A Committee recommend that the WMA authorize the Executive Director to contract with Layman Electric for the office lighting replacement project.



DATE: November 20, 2019

TO: Waste Management Authority Board

FROM: Jeff Becerra, Communications Manager

SUBJECT: 2020 Legislative Priorities

SUMMARY

January marks the beginning of the second half of the 2019-2020 session for the California legislature. At the November 20 WMA meeting, staff will lead a discussion of current policy issues and ask the Board to adopt legislative priorities for calendar year 2020.

DISCUSSION

StopWaste’s legislative priorities for 2019 were informed by the priority setting process and included addressing plastic pollution prevention, contamination, climate change, organics to landfill and unsustainable consumption. At the October 2019 WMA meeting, staff provided a summary of 2019 legislative highlights. For reference, that memo is available here: [Legislative-Update-10-23-19.pdf](#)

2020 Legislative Priority Areas

In order to have an influential voice in Sacramento, staff and our contract lobbyist (Shaw Yoder Antwih Schmelzer & Lange) must respond quickly to bill language negotiations and changes that occur during the legislative session. By the WMA approving a slate of priority issues, staff is able to direct its time to the most pressing issues for the Authority and not be distracted by the hundreds of bills that are introduced each session. Priority areas are ones that staff and our lobbyist devote more time to—providing additional letters of support to committee members, testifying at hearings and working closely with the bill’s sponsors.

For 2020, our legislative priorities should be viewed in the context of the WMA’s overall policy efforts. For example, at the local level we have initiated discussions to develop a reusable food ware ordinance for Alameda County, and will need to coordinate with the member agencies on developing implementation strategies for SB 1383. Diverting organics from landfill and food waste recovery, which have been priority areas in years past, will be largely addressed through implementation of SB 1383.

Plastic Pollution/Packaging

StopWaste’s efforts in this area will focus on developing a countywide or model reusable food ware ordinance, and to be an active part of negotiations around the continuation of AB 1080/SB 54, the California Circular Economy and Pollution Reduction Act. This bill, which would develop a

comprehensive framework for reducing plastic pollution and reforming wasteful product packaging, is expected to be taken up by the legislature early in 2020 and has the support of the Governor.

Also falling under the category of Packaging is providing meaningful fixes to California's Bottle Bill, whose formula for distribution of funds has failed to keep up with current conditions, leading to the program's decline and closure of hundreds of drop-off centers throughout the state.

Climate Change

A recent spate of wildfires are tangible reminders of the urgent need to address climate change immediately and in a significant manner. Local governments, in particular those in Alameda County, have been leaders in developing progressive Climate Action Plans that include "embodied," or upstream carbon emissions in their inventories. But more needs to be done at the state level, such as prioritizing carbon farming through adequate funding for the State's Healthy Soils program.

Organics (SB 1383 Rulemaking)

In September 2016, Governor Brown signed SB 1383 into law, which established targets to achieve a 75% statewide reduction in landfilled organics discards by 2025, and a 20% recovery of edible food currently disposed by 2025. Over the past year, StopWaste staff has worked with member agencies to influence the rulemaking process. With the final regulations expected in early 2020, staff will continue coordinating with member agencies, but shift to developing implementation strategies that minimize the burden on local jurisdictions.

Partnerships and Ongoing Issues

We will continue to collaborate with our main legislative partners - Californians Against Waste, California Product Stewardship Council, ReThink Waste (a joint powers authority of twelve public agencies in San Mateo County) and San Francisco Environment. Other topics that may not be included as top priorities, but are still areas of concern, include promotion of "right to repair" bills, and addressing the toxicity of chemicals (such as PFAs) used as a moisture barrier in fiber-based food packaging.

Next Steps/Key Dates

Staff will return to the Board in March for review of recommended positions on new bills. Key dates include:

November: WMA Board adopts legislative priorities for the upcoming year.

January: Committee hearings and floor votes for bills introduced in 2019, and Governor's proposed 2020-21 budget is released.

February: Deadline for introduction of new bills.

March: Bill authors and organizational sponsors seek letters of support for new bills; Staff reviews bills and recommends positions for Board adoption.

June: Board receives status update on bills and provides direction as appropriate. The 2020-21 budget must be passed.

August: Deadline for bills to pass the legislature.

September: Deadline for Governor for sign or veto bills.

October: Status update provided to Board after Governor takes action.

RECOMMENDATION

Discuss and adopt legislative priorities for calendar year 2020.



DATE: November 20, 2019
TO: Alameda County Waste Management Authority Board
FROM: Kelly Schoonmaker, Program Manager
SUBJECT: SB 1383 Short Lived Climate Pollutant Strategy: Update

SUMMARY

At the October 11, 2018 committee meetings and February 27, 2019 WMA meeting, staff presented an overview of SB 1383, The Short-Lived Climate Pollutant Strategy, which directs CalRecycle to divert 75% of organics from landfill and recover 20% of edible food for human consumption by 2025. At the time of this writing, CalRecycle is anticipating the release of the final regulations in January, 2020. SB 1383 regulations will be implemented and enforced largely by local jurisdictions, and will affect waste haulers, composters, food recovery organizations, and all organics generators, including single-family and multi-family residential. Staff will provide a brief background on the regulations, an update on the rulemaking process, StopWaste’s activities related to the regulations, and an overview of the implications for StopWaste and member agencies.

DISCUSSION

As presented at previous meetings, the regulations contain many requirements for local jurisdictions, including:

- Planning
- Enforcement
- Monitoring
- Education
- Documentation
- Procurement
- Reporting

At the end of September 2019, the state released the third draft regulatory package for public comment, with few changes from the previous draft. While StopWaste supports the intent of the regulations, we have significant concerns about implementation, specifically the highly prescriptive nature of the regulations and the many requirements for cities.

StopWaste submitted a comment letter to CalRecycle outlining our primary concerns, along with more comprehensive and detailed comments. Member agencies also submitted comments and letters in support of our comments. Below is a summary of our main criticisms of the regulations:

- **Proposed enforcement timelines are too short.** The proposed regulations require that non-compliant generators be re-inspected within 90 days until compliance is achieved.

StopWaste currently has a total of 20,000 covered commercial accounts and conducts 6,000 inspections per year, finding about 3,000 violations per year. Re-inspecting non-compliant accounts within 90 days would require shifting resources to focus on the smaller subset of non-compliant accounts, dramatically reducing the number of accounts inspected.

- **Edible food recovery requirements do not incentivize food waste prevention:** Staff made this comment on previous drafts and at public hearings. Because the biggest greenhouse gas reduction benefit is achieved through the prevention of surplus edible food, we have recommended incorporating incentives for preventing food waste upstream, such as de minimis waivers for participation in edible food recovery.
- **Procurement requirements are unrealistic and may do more harm than good to existing markets.** Staff have several concerns about procurement requirements: the concept of forcing a city to annually procure a minimum amount of any product, the unintended consequences of driving up prices for quality compost and creating artificial demand for poor quality compost, and a flawed methodology that not only bases the target on amount of organics disposed in landfill, but also uses a statewide per capita average to do so, which inflates the target for cities with existing organics diversion programs.
- **Penalties:** As written, this section leaves the determination of the violation level and the amount of the penalty to the discretion of CalRecycle Local Assistance Staff, potentially resulting in inconsistent and unfair enforcement. For example, with AB 341 and AB 1826, member agencies have experienced unclear and inconsistent application of requirements by different Local Assistance Staff members, including those who shared the same supervisor.

As the release of the final regulatory package draws nearer, StopWaste has begun to shift from advocacy on rulemaking to working with member agencies on implementation strategies. Staff will continue communication and collaboration with CalRecycle informally and formally through participation in stakeholder groups, such as the Procurement and Enforcement Resource Group.

RECOMMENDATION

This item is for information only.

LINKS

Draft Regulatory Text (updated link): <https://www2.calrecycle.ca.gov/Docs/Web/115719>



DATE: November 20, 2019
TO: Energy Council
FROM: Candis Mary-Dauphin, Program Manager
SUBJECT: BayREN 2019 Contract Amendment #2

SUMMARY

Staff is requesting Energy Council approval to enter into a contract amendment with ABAG for an additional \$625,550 to issue rebates and provide technical assistance to additional participants of the regional multifamily program.

DISCUSSION

On December 19, 2018 the Energy Council approved a resolution authorizing the Executive Director to enter into a 2019 BayREN contract including \$5,950,300 for the multifamily program. The Energy Council is the regional lead for the multifamily program. On September 25, 2019 the Energy Council approved a first amendment to this contract. The revised multifamily budget was \$6,105,300, which included \$3,750,000 in incentives for 5,000 multifamily units in the Bay Area.

Since the approval of the first amendment, three large projects including 737 housing units were submitted through the program’s newly developed Rater Pathway and are projected to complete upgrades in 2019. The Rater Pathway allows qualified non-program affiliated raters to submit eligible multifamily energy upgrade projects. This second program amendment would include an increase of \$552,750 for program incentives and \$72,800 for technical assistance to serve these projects. ABAG will be issuing a contract amendment to increase the budget for the multifamily program by a total of \$625,550.

RECOMMENDATION

Adopt the attached Resolution authorizing the Executive Director to enter into a 2019 contract amendment of \$625,550 for Bay Area Regional Energy Network (BayREN) multifamily incentives and other related actions.

Attachment A: Revised 2019 Multifamily Financing Budget

**ENERGY COUNCIL
RESOLUTION #EC 2019 –**

**MOVED:
SECONDED:**

AT THE MEETING HELD NOVEMBER 20, 2019

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ISSUE ADDITIONAL INCENTIVES AND
AMEND THE 2019 CONTRACT FOR BAY AREA REGIONAL ENERGY NETWORK (BayREN) AND OTHER
RELATED ACTIONS**

WHEREAS, the Energy Council recognizes that it is in the interest of local, regional, state, and federal agencies to stimulate the economy; create and retain jobs; reduce fossil fuel emissions; and reduce total energy usage and improve energy efficiency; and

WHEREAS, the Energy Council was formed to seek funding to develop and implement programs and policies that reduce energy demand, increase energy efficiency, advance the use of clean, efficient and renewable resources, and help create climate resilient communities; and

WHEREAS, the California Public Utilities Commission (CPUC) has recognized the need for expanded collaboration with and participation by local governments to achieve market transformation toward energy efficiency as part of its Long Term Energy Efficiency Strategic Plan; and

WHEREAS, in its Decision 15-10-028, the CPUC authorized funding for Regional Energy Networks (RENS) to continue their existing programs with an annualized budget; and

WHEREAS, the Energy Council partnered with the Association of Bay Area Governments (ABAG) and 8 other county representatives to implement the Bay Area Regional Energy Network (BayREN); and

WHEREAS, with ongoing input from the Energy Council Technical Advisory Group (TAG), the Energy Council represents Alameda County jurisdictions within BayREN; and

WHEREAS, the Energy Council leads the regional multifamily rebate and financing programs for BayREN; and

WHEREAS, in December 2018 ABAG transferred \$3,750,000 of incentive funding to the Energy Council for 5000 multifamily properties to complete upgrades in 2019;

WHEREAS, ABAG intends to provide the Energy Council with an additional \$552,750 for incentives and \$72,800 for technical assistance services as described in Attachment A;

NOW THEREFORE, BE IT RESOLVED, that the Energy Council hereby authorizes the Executive Director to:

1. Issue an additional \$552,750 in incentive payments.
2. Enter into all necessary contracts and agreements with ABAG in order to accept additional funds in the amount of \$625,550, and make any necessary changes to the FY 2019/20 budget for Project 1347: BayREN.
3. Approve any required time extensions, modifications, or amendments thereto.

4. Allocate the necessary resources to implement and carry out the amended scope of work.

ADOPTED this 20th day of November 2019, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAINED:

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of Resolution #EC 2019 –

Arliss Dunn
Clerk of the Board

Attachment A
Revised 2019 Multifamily Financing Budget

Multifamily Budget Revision

The multifamily program scope of work is expanded to include:

- Incentives for an additional 737 multifamily units
- Technical assistance to support project oversight & compliance for the additional units

Funding Category	Initial Budget	Amended Budget	Change
Administration	\$12,000	\$12,000	0
Implementation	\$2,173,300	\$2,246,100	\$72,800
Marketing	\$95,000	\$95,000	0
Incentives	\$3,825,000	\$4,377,750	\$552,750
Total	\$6,105,300	\$6,730,850	\$625,550

**December 2019
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	9	10	11	<p style="text-align: center;">9:00 AM Programs & Administration Committee Key Items:</p> <ol style="list-style-type: none"> 1. 2020 Meeting Schedule 2. Mid-year Contracts 3. CoIWMP Goals <hr/> <p style="text-align: center;">4:00 PM Planning Committee & Recycling Board Key Items:</p> <ol style="list-style-type: none"> 1. 2020 Meeting Schedule 2. Election of Officers for 2020 3. Mid-year Contracts 4. RB Audit RFP 5. CoIWMP Goals 	13	14
15	16	17	<p style="text-align: center;">3:00 PM Waste Management Authority and Energy Council Key Items:</p> <ol style="list-style-type: none"> 1. 2020 Meeting Schedule 2. RecycleWhere Replacement Launch 3. Mid-year Contracts 	19	20	21
22	23	24 AGENCY HOLIDAY	25 AGENCY HOLIDAY	26	27	28
29	30	31				