

**DRAFT**

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

**Wednesday, June 25, 2014  
3:00 p.m.**

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

**I. CALL TO ORDER**

President Biddle, WMA, called to meeting to order at 3:00 p.m.

**II. ROLL CALL**

**WMA & EC**

County of Alameda	Keith Carson (arrived 3:15 p.m. left 3:45 p.m.)
City of Alameda	Lena Tam (left 4:40 p.m.)
City of Albany	Joanne Wile (left 4:45 p.m.)
City of Berkeley	Kriss Worthington (left 4:40 p.m.)
Castro Valley Sanitary District	Dave Sadoff (left 4:40 p.m.)
City of Dublin	Don Biddle
City of Emeryville	Jennifer West
City of Fremont	Anu Natarajan
City of Hayward	Barbara Halliday
City of Newark	Luis Freitas (left 4:30 p.m.)
City of Oakland	Dan Kalb (arrived 3:05 p.m.)
Oro Loma Sanitary District	Laython Landis (left 4:10 p.m.)
City of Piedmont	Tim Rood
City of Pleasanton	Jerry Pentin (left 4:40 p.m.)
City of San Leandro	Pauline Cutter

**Absent:**

City of Union City	Lorrin Ellis
City of Livermore	Laureen Turner

**Staff Participating:**

Gary Wolff, Executive Director  
Wendy Sommer, Principal Program Manager  
Richard Taylor, Counsel, Authority Board  
Arliss Dunn, Clerk of the Board

**Others Participating:**

Seth Baruch, Carbonomics  
Tom Kelly, KyotoUSA

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### III. ANNOUNCEMENTS BY THE PRESIDENTS

There were none.

### CLOSED SESSION:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (pursuant to Government Code Section 54957) – Title: Executive Director. (confidential materials mailed separately)
2. Pursuant to Government Code Section 54957 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Legal Counsel) - (confidential materials mailed separately)

There was nothing to report from the closed sessions.

### IV. CONSENT CALENDAR (WMA & EC)

1. **Approval of the Draft Minutes of May 28, 2014 (WMA & EC-Separate Votes) (Gary Wolff)** **Action**
2. **Proposed Budget Adjustments for FY13/14 and FY14/15 (WMA only)** **Action**  
Staff recommends that the WMA Board approve the following actions:
  1. Increase the Authority's total spending appropriation for FY 13/14 by \$120,000, which will be reimbursed by the countywide HHW program as outlined in Attachment A.
  2. Change the funding source for project 1240 in FY14/15 (the HHW point of purchase alternative project), totaling \$262,858, to the externally funded category for reimbursement by the countywide HHW program as outlined in Attachment B. Direct staff to incorporate these changes in the final FY14/15 budget document.
3. **Legislative Positions -- Update for 2013/2014 Session (Gary Wolff) (WMA only)** **Action**  
Staff and the committees recommend that the Waste Management Authority adopt the legislative positions stated in the linked memo provided to the committees.
4. **Minutes of the June 17, 2014 Technical Advisory Group (TAG) (EC only) (Gary Wolff)** **Information**
5. **Grants Under \$50,000 (WMA only) (Gary Wolff)** **Information**

Mr. Worthington made the motion to approve the Consent Calendar for the WMA Board. Mr. Freitas seconded and the motion carried 16-0 (Carson, Ellis, and Turner absent).

Ms. Cutter made the motion to approve the Consent Calendar for the Energy Council. Ms. Halliday seconded and the motion carried 15-0 (Carson and Ellis absent).

### V. OPEN PUBLIC DISCUSSION (WMA & EC)

There was none.

### VI. REGULAR CALENDAR (WMA only)

1. **Benchmark Service Opt-Out Update and Options (Gary Wolff) (WMA only)** **Action**  
Staff recommends that the Authority Board take no action.

Mr. Wolff provided an overview of the staff report and a powerpoint presentation. The staff report is available here: <http://www.stopwaste.org/docs/06-25-14-benchmark.pdf> and the presentation is available here: <http://www.stopwaste.org/docs/bmpres.pdf>

Mr. Rood inquired if the fee opt-out process excludes the resident from sampling. Mr. Wolff stated no, but the resident can separately request to be excluded from sampling. Mr. Wolff indicated new accounts will be able to opt-out of the fee and report but the opt-out deadline has passed for existing account holders. Ms. Halliday inquired about violation of privacy with respect to curbside sampling. Mr. Wolff stated legal

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research indicates there are no privacy concerns under the fifth Amendment and access issues are allayed once the materials are placed curbside. Ms. Halliday stated that it would be helpful for the next report to include information on where to put materials.

Ms. Wile stated her support for the staff recommendation. Mr. Biddle inquired if staff will develop an assessment tool. Mr. Wolff stated yes, but work on that has not begun yet.

Rebecca Jewell, Recycling Program Manager, Waste Management, Inc. stated that Waste Management, Inc. strongly supports the benchmark program as it helps to guide outreach efforts with respect to informing the public on how to properly recycle.

Ms. West made the motion to accept the staff recommendation to take no action. Mr. Rood seconded and the motion carried 14-0 (Carson, Ellis, Freitas, Landis, and Turner, absent).

### **2. Election of Officers for Fiscal Year 2014-2015 (Gary Wolff) (WMA only)**

Staff recommends that the Authority Board elect officers for the 2014-2015 fiscal year.

Ms. Cutter made the motion to elect Ms. West as President. Mr. Rood seconded and the motion carried 14-0 (Carson, Ellis, Freitas, Landis, and Turner, absent). Ms. Natarajan made the motion to elect Ms. Cutter as 1st Vice President. Mr. Pentin seconded and the motion carried 14-0 (Carson, Ellis, Freitas, Landis, and Turner, absent). Ms. West made the motion to elect Mr. Pentin as 2nd Vice President. Mr. Rood seconded and the motion carried 14-0 (Carson, Ellis, Freitas, Landis, and Turner, absent).

### **3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (WMA only) Action**

(P&O and Recycling Board meeting - Finelite, Inc., Union City - July 10, 2014 at 7:00 p.m.)

There were none.

### **4. Election of Officers for Fiscal Year 2014-2015 (Gary Wolff) (EC only) Action**

Staff recommends that the Energy Council elect officers for the 2014-2015 fiscal year.

Ms. Cutter made the motion to elect Ms. Halliday as President. Mr. Kalb seconded and the motion carried 14-0 (Carson, Ellis, and Freitas absent). Ms. Halliday made the motion to elect Ms. Cutter as 1st Vice President. Mr. Kalb seconded and the motion carried 14-0 (Carson, Ellis, and Freitas absent). Ms. Wile made the motion to elect Mr. Kalb as 2nd Vice President. Ms. West seconded and the motion carried 14-0 (Carson, Ellis, and Freitas absent).

### **5. Community Choice Aggregation (CCA) – Informational Presentation (Wendy Sommer) (EC only) Information**

Ms. Sommer provided an overview of the staff report: The report is available here:

<http://www.stopwaste.org/docs/06-25-14-cca.pdf>.

Ms. Sommer introduced Seth Baruch, Carbonomics and Tom Kelly, KyotoUSA, who presented an overview of CCAs. The powerpoint presentation and handouts are available here:

[www.stopwaste.org/docs/CCA\\_101\\_06\\_2014.pdf](http://www.stopwaste.org/docs/CCA_101_06_2014.pdf) and [http://stopwaste.org/docs/CCA-](http://stopwaste.org/docs/CCA-Handouts_6_25%20_14.pdf)

[Handouts\\_6\\_25%20\\_14.pdf](http://stopwaste.org/docs/CCA-Handouts_6_25%20_14.pdf). An audio of the presentation is available here:

[http://www.stopwaste.org/docs/06-25-14\\_WMA-EC-2.mp3](http://www.stopwaste.org/docs/06-25-14_WMA-EC-2.mp3)

## **VII. COMMUNICATIONS/MEMBER COMMENTS (WMA & EC) Information**

Mr. Wolff presented a recycled content glass bowl to Mr. Biddle for his service as the immediate past President of the Authority Board.

## **VIII. ADJOURNMENT (WMA & EC)**

The meeting adjourned at 5:30 p.m.

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

**Wednesday, July 23, 2014  
3:00 p.m.**

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

**I. CALL TO ORDER**

President West called the meeting to order at 3:00 p.m.

**II. ROLL CALL**

**WMA & EC**

County of Alameda	Keith Carson (arrived 3:15 p.m.)
City of Alameda	Lena Tam
City of Albany	Peter Maass
City of Berkeley	Gordon Wozniak
Castro Valley Sanitary District	Dave Sadoff
City of Dublin	Don Biddle
City of Emeryville	Jennifer West
City of Fremont	Anu Natarajan (arrived 3:02 p.m.)
City of Hayward	Barbara Halliday
City of Newark	Luis Freitas
City of Oakland	Dan Kalb (arrived at 3:40 p.m.)
Oro Loma Sanitary District	Laython Landis
City of Piedmont	Tim Rood
City of Pleasanton	Jerry Pentin (arrived 3:05 p.m.)
City of San Leandro	Pauline Cutter
City of Union City	Lorin Ellis (arrived at 3:19 p.m.)

**Absent:**

City of Livermore	Laureen Turner
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**Staff Participating:**

Gary Wolff, Executive Director  
Wendy, Senior Program Manager  
Richard Taylor, Counsel, Authority Board  
Chinwe Omani, Executive Assistant

**Others Participating:**

Bill Pollock, HHW Program Manager

**III. ANNOUNCEMENTS BY THE PRESIDENTS**

There were none.

**IV. CONSENT CALENDAR (WMA & EC)**

(President West stated that the June minutes will be slotted for the September agenda)

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|----|--------------------------------------|-------------|
| 1. | EPA Seeds of Change Award (WMA Only) | Information |
| 2. | Grants under \$50,000 (WMA Only)     | Information |

### V. OPEN PUBLIC DISCUSSION (WMA & EC)

There was none.

### VI. REGULAR CALENDAR (WMA & EC)

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|----|---|--------|
| 1. | Actions to Implement the Countywide Household Hazardous Waste (HHW) Program Expansion (Gary Wolff) (WMA Only) | Action |
|----|---|--------|

Staff recommended that the WMA Board approve the Fee Collection Report for FY2014/15, the MOUs with the County of Alameda and the City of Fremont, and the Budget Amendment Resolution.

Mr. Wolff provided an overview of the staff report. The report is available here:

<http://www.stopwaste.org/docs/07-23-14-hhw-expansion.pdf>. Mr. Biddle inquired if there would be any more MOUs when the implementation of expanded service occurs. Mr. Wolff responded that there would not be any more MOUs and that there are no further actions required of the Board in this matter after the currently presented items are done. Ms. Halliday asked if Mr. Wolff could elaborate on what he meant by increasing “transparency” as it relates to the change in how the money would be handled for the HHW program. Mr. Wolff responded that in the past the Agency Budget did not include the total costs of the HHW program but only included the portion of funds that were directly implemented by the Agency. However, Mr. Wolff stated that though the County had a budget for the full amount of county spending; the HHW budget was a very small part of the County’s \$2.8 billion budget, and therefore was not easily accessible to the public. President West opened the floor for public discussion and comments. There was one speaker, Marcus Crawley. Mr. Crawley stated that he intended to file a Petition for Writ of Mandate to stop the HHW Ordinance because it was unconstitutional and implored Board members to initiate a vote to set it aside.

After hearing from Mr. Crawley, President West requested that legal counsel respond to Mr. Crawley’s request regarding the serving of legal papers to the Agency and the process. Mr. Taylor responded that the Agency could be served in the manner that is in accordance with Law and that there was no requirement that it occur at a public meeting. Mr. Taylor also mentioned that the section quoted by Mr. Crawley applies to actions that don’t involve refuse collection fees and since the ordinance in question is for a refuse collection fee, the section quoted does not apply.

Mr. Wozniak asked if it was legal counsel’s opinion that the HHW ordinance as it stood met the constitutional requirements. Mr. Taylor responded that the Agency went through the protest process that the constitution requires for this kind of fee and that it meets the standards applicable in the constitution.

Ms. Cutter asked for clarification on the Fremont HHW facility and wanted to know if BLT will still operate the facility or if it would be under the Agency’s management. Mr. Wolff stated that BLT Enterprises runs the facility and that the Agency will pay the City of Fremont who will then pay the operator of the Facility and that we have no direct relationship with the operator. Ms. Cutter also inquired if the services paid for in the City of Fremont were equal to the services paid for at the County. Mr. Wolff said yes and also stated that the Fremont facility was open more hours so they had more users but the density of use (users per hour), has not been as high compared to the County facilities.

Mr. Wolff clarified the voting requirements on the HHW items for the Board members.

Mr. Wozniak made the motion to approve the first three recommendations (approve the Fee Collection Report for FY 2014/2015 and the new MOUs with the County of Alameda and the City of Fremont). Ms. Cutter seconded and the motion carried 15-1 (Sadoff, no) (Kalb and Turner, absent).

Mr. Wozniak made the motion to approve the fourth recommendation (the Budget Amendment Resolution). Ms. Cutter seconded and the motion carried 15-1 (Sadoff, no) (Kalb and Turner, absent).

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**2. WMA Vacancy on the Recycling Board (Gary Wolff) (WMA Only) Action**

Make an appointment to the Recycling Board.

Mr. Pentin made the motion to nominate Mr. Ellis to the Recycling Board. Ms. Natarajan seconded and the motion carried 16-0 (Kalb and Turner, absent).

**3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend Future Board Meeting(s) (WMA only) Action**

Tim Rood & Don Biddle volunteered to serve as Interims for Anu Natarajan & Jerry Pentin at the RB meeting for August 14, 2014. Ms. Halliday made the motion to approve the interim appointments. Ms. Tam seconded and the motion carried 16-0 (Kalb and Turner absent)

**4. Community Choice Aggregation (CCA) – Energy Council’s Role Information  
(Gary Wolff & Wendy Sommer) (EC only)**

Ms. Sommer stopped her presentation of the report to allow Mr. Crawley a moment to serve legal papers to the Board. Legal papers were served at 3:34pm.

Ms. Sommer continued with her presentation of the staff report. The report is available here:

<http://www.stopwaste.org/docs/07-23-14-ccat.pdf>

Ms. Sommer then shared the potential “next steps” that included; (1) requesting County staff to provide frequent updates regarding CCA information to the Energy Council’s Technical Advisory Group. (2) Member agencies joining a CCA designate the Energy Council as the coordinator for the energy efficiency programs within Alameda County. (3) Create a MOU with any CCAs operating in Alameda County to allow the Energy Council to better target & coordinate the delivery of energy efficiency programs within Alameda County. (4) Recommend to the County that the Energy Council & Technical Advisory Group representatives serve as members of the CCA JPA advisory committee to increase coordination on energy policy and programs. (5) If a County CCA is formed, work with the County to execute a Power Purchase Agreement with Green Ridge to provide wind energy generated at the Authority’s property at Altamont.

Ms. Sommer turned the discussion over to Albert Lopez, Planning Director for Alameda County. Mr. Lopez stated that the staff report captured most of the County’s efforts to date and that the County was in the preliminary stages of developing the CCA and that there were no concerns with the recommendations in the staff report. Mr. Lopez also stated that the County Administrative office will be sending letters to the City Managers to get authorization from the cities to collect “load data” from PG&E before moving to the feasibility study. Mr. Lopez also mentioned that Bruce Jensen, County staff who is also involved with the effort, was available to answer any questions.

Ms. Natarajan asked Mr. Lopez about the timeline for the CCA and what would be the next steps if there was feasibility. Mr. Lopez responded that it would take approximately 18 months to collect the load data and conduct the feasibility study. He also stated that once the study is complete, the next steps would be the formation of the JPA, CCA Board and then procurement of energy. Mr. Wozniak commented that the City of Berkeley had a recent Climate Action report and noticed the problem was not electricity but heating and natural gas. Mr. Wozniak inquired if a CCA could really provide power with less greenhouse emissions and without “accounting tricks” and that he hopes the County will do an honest analysis and compare “apples to apples”.

Mr. Lopez responded that they hoped to answer these questions through the Feasibility study and that the CCA would have to be able to offer competitive rates.

Mr. Rood asked that Board member Wozniak clarify the use of ‘accounting tricks’ and whether this meant the purchase of renewable energy certificates. Mr. Wozniak stated that the comparison should be between how much greenhouse gas emissions are emitted by a certain power mix from the CCA and the other source.

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Mr. Wozniak also stated that all the comparisons currently are for renewable energy versus non-renewable energy, and what is needed is a comparison in terms of CO2 which is a fundamental climate issue.

Mr. Kalb stated that the State has created a set of definitions on renewable energy and those potential CCAs are basing their evaluations, marketing and advocacy on the State's existing policies and are not creating their own separate policies. He also stated that investor owned utility companies are using nuclear energy and that it has pros and cons but comparing greenhouse gases and nothing else would be a bad idea because it would only consider the "pluses" of nuclear energy and not the "minuses" and risks.

Mr. Kalb went on to say that if Renewable Energy Certificates are earned or purchased through genuine renewable energy being created in California, it could have a significant benefit for the State. However, since the CCA doesn't really exist yet we can't evaluate that right now. Mr. Kalb also stated that he has studied this issue for some years and that he is in favor of looking into the CCA and leaving the options open. Ms. Sommer stated that the next step should be to form collaboration with the County so that there would be a forum to address concerns like higher level policies, rates, and markets to target etc.

Ms. Halliday stated that there was some feedback from City of Hayward staff regarding the designation of the Energy Council as the coordinator of the energy efficiency programs in Alameda County. Ms. Halliday inquired if the presented issues in the staff report would be considered in the scope of the County's feasibility study. Mr. Lopez responded that the main purpose of the CCA is to provide energy so the issues aren't necessarily related to whether the County could provide affordable rates and GHG targets.

Ms. Halliday suggested that since the issues may not be addressed in the feasibility study the recommendations may be a bit premature. Mr. Lopez stated that it is not premature and coordinating energy efficiency programs starting now is a good idea and that it shouldn't hurt the overall process.

Ms. Sommer asked for clarification on next steps. Ms. Halliday invited Eric Pearson, Environmental Services Manager from the City of Hayward to speak. Mr. Pearson stated that they are not necessarily objecting to the recommendations in the staff report, but they would like to see the feasibility study explore a range of options in terms of providing energy efficiency programs, governance structure, and advisory committees. Ms. Halliday suggested that since the issues considered are not necessarily in the feasibility study; the recommendations shouldn't be considered just yet since the CCA isn't formed yet. Ms. Sommer suggested that they at least consider the recommendation that the Energy Council Board and TAG representatives serve as members of a CCA JPA Board or advisory committee since they are on the Energy Council and are familiar with Energy issues. And their input wouldn't be timely if it had to wait until a CCA is formed. Ms. Halliday agreed that would be fine. Mr. Lopez agreed that it would be a great idea to have representation from the Energy Council on the steering committee. Ms. Natarajan stated that the suggested next steps are great but are too specific for right now; Ms. Natarajan suggested that a letter of interest be sent to the Board of Supervisors promoting the Energy Council and its expertise, as well as informing them that the Energy Council would like to be part of the process. Ms. Halliday agreed that this was a good suggestion.

Mr. Biddle asked if there were revenue implications for the Energy Council and grants received. Mr. Wolff responded that this was not known as of yet but that these were potential bumps in the road associated with operation of any CCA in Alameda County. Mr. Wolff also stated that there are funding buckets from the CPUC that are used in different areas and that that there is a possibility that energy efficiency work associated with the service area of a CCA would only be funded directly through the CCA, which would mean that if the County forms a CCA, or the Marin or Sonoma CCA begins to operate in Alameda County, possibly the only way to get energy efficiency funds would be from the CCA. However, Mr. Wolff stated that this potential funding problem for the successful work of the Energy Council would likely not be a problem if the issue is discussed in advance, as we are doing now, and the work of the Energy Council is integrated with a CCA if it is formed.

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Councilmember Maass inquired if the PACE program (Property Assessed Clean Energy), private/public funding is going to be considered as a potential funding source. The City of Albany recently signed up with Riverside Council of Governments for their HERO program. Ms. Sommer responded that they are currently coordinating with the PACE providers and updates on the PACE program are given monthly at the TAG meetings.

Mr. Rood suggested a change to the last recommendation of the next steps regarding procurement of a wind purchasing agreement with Green Ridge. Mr. Rood stated that since there is no guarantee that both parties will find it in their best interest to go forth with the agreement because it is essentially a market operation, the recommendation should be reworded to say something like; "Consider purchasing wind energy from Green Ridge."

Ms. West stated that she will be looking forward to the feasibility study; however, she wouldn't like to second guess that Energy Council members would serve on the JPA. Ms. West also stated that she welcomes the idea of a letter of interest.

Ms. Halliday suggested that the Energy Council give staff directions regarding the letter of interest. Ms. Natarajan stated that if there were any impacts to the timeline or if staff thought the letter needed to be sent before the next meeting that she would be open to the idea of forming a committee of the Energy Council working with staff on the letter. Ms. Halliday asked if there were board members who would be willing to join such a committee. Ms. Natarajan, Ms. Halliday and Mr. Kalb volunteered to serve on the subcommittee should the need arise.

Ms. Tam asked why there was such an urgency to get the letter done before September. Ms. Sommer responded that if the County started approaching different member agencies and or City Managers, it would be good to have a letter sent to them ahead of time informing them of the Energy Council's intentions and plans. Ms. Halliday suggested that staff draft a letter and bring it for review to the Energy Council's meeting in September, and if there was any need for a letter prior to then, that staff consult with the members who volunteered to serve on a committee. The Council, by consensus, agreed with that direction to staff.

### **VII. COMMUNICATIONS/MEMBER COMMENTS (WMA & EC)**

#### **Information**

Mr. Rood shared that he went to a very informative tour of the Richmond Transfer Station organized by the League of Women Voters of Piedmont. Mr. Wolff handed out an Opinion Editorial; "SF's Recycling Claims Are Garbage." He stated that he was not endorsing the article, but wanted the Board to know that criticism of the state diversion rate calculation method is in the press, and should anyone ask about our diversion percentages, our answer is that we use the state method only for compliance with state law, but use a much more common sense and defensible method (how much recyclable and compostable material is in the garbage). Ms. Halliday mentioned that she enjoyed the Recycling Board tour to Finelite in Union City and that she was thankful to staff for suggesting the tour.

Mr. Wolff stated that the next Board meeting will be a joint meeting of the RB, WMA, & the Energy Council on September 17, 2014.

### **VIII. ADJOURNMENT (WMA & EC)**

The meeting adjourned at 4:16pm