

Programs & Administration Committee

Emily Duncan, Chair
City of Union City
Dianne Martinez, Vice Chair
City of Emeryville
Jim Oddie, City of Alameda
Nick Pilch, City of Albany
Keith Carson, County of Alameda
Susan Wengraf, City of Berkeley
Melissa Hernandez, City of Dublin
Jenny Kassan, City of Fremont
Mike Hannon, City of Newark
Jerry Pentin, City of Pleasanton
Shelia Young, Oro Loma Sanitary District
Tim Rood, City of Piedmont

Wendy Sommer, Executive Director

AGENDA
ALAMEDA COUNTY WASTE
MANAGEMENT AUTHORITY MEETING
OF THE
PROGRAMS AND ADMINISTRATION COMMITTEE
Thursday, December 10, 2020
9:00 A.M.
TELECONFERENCE MEETING

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

This meeting will be 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 Governor's Executive Order N-29-20 suspending certain teleconference rules required by the Ralph M. Brown Act. The purpose of this order is 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 and staff who are not presenting an item may attend and participate in the meeting by:

1. Calling US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 and using the Webinar ID: 819 9064 1530
2. Using the [Zoom](#) website or App and entering meeting code 819 9064 1530

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. The process will be described on the StopWaste website at <http://www.stopwaste.org/virtual-meetings> no later than 5:00 p.m., Wednesday, December 9, 2020. The public may also comment during the meeting by sending an e-mail to publiccomment@stopwaste.org prior to the close of public comment on the item being addressed. Each e-mail will be read into the record for up to three minutes.

In accordance with the Americans with Disabilities Act and the Governor's Executive Order, 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

1. Convene Meeting

2. 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. Each speaker is limited to three minutes unless a shorter period of time is set by the Chair.

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1 **3. Approval of the Draft Minutes of October 8, 2020 (Pat Cabrera)**

5 **4. 2021 Meeting Schedule (Arliss Dunn)**

It is recommended that the Programs & Administration Committee adopt the regular meeting schedule for 2021.

7 **5. 2021 Legislative Priorities (Jeff Becerra)**

Discuss legislative priorities for calendar year 2021 and provide a recommendation to the Waste Management Authority for adoption at its December 16 meeting. The staff recommendation is to join efforts with partners to introduce and support legislation seeking to modify SB 1383 implementation timelines.

11 **6. Landfill Tonnage and Associated Revenue (Pat Cabrera & Nisha Patel)**

This item is for information only.

15 **7. Contract/Vendor Authorization (Pat Cabrera)**

That the Programs and Administration Committee recommend that the WMA Board approve the contracts, vendors and/or spending authority as listed in the staff report.

8. Member Comments

9. Adjournment

The Programs & Administration Committee is a Committee that contains more than a quorum of the Board. However, all items considered by the Committee requiring approval of the Board will be forwarded to the Board for consideration at a regularly noticed Board meeting.

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

Thursday, October 8, 2020

9:00 A.M.

TELECONFERENCE MEETING

Members Present:

City of Alameda	Jim Oddie
City of Albany	Nick Pilch
County of Alameda	Scott Haggerty (alternate)
City of Berkeley	Susan Wengraf
City of Dublin	Melissa Hernandez
City of Emeryville	Dianne Martinez
City of Newark	Mike Hannon
Oro Loma Sanitary District	Shelia Young
City of Pleasanton	Jerry Pentin
City of Union City	Emily Duncan, Chair

Members Absent:

City of Fremont	Jenny Kassin
City of Piedmont	Tim Rood

Staff Present:

Wendy Sommer, Executive Director
Timothy Burroughs, Deputy Director
Pat Cabrera, Administrative Services Director
Jeff Becerra, Communications Manager
Justin Lehrer, Operations Manager
Meghan Starkey, Senior Management Analyst
Arless Dunn, Clerk of the Board

Others Participating:

Jason Schmelzer, Shaw Yoder Antwih Schmelzer & Lange
Priscilla Quiroz, Shaw Yoder Antwih Schmelzer & Lange

1. Convene Meeting

Chair Emily Duncan called the meeting to order at 9:00 a.m. and explained the process that would be utilized during the meeting. A link to the process is available here: [Virtual-Meetings-Instructions](#)

2. Public Comments

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

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3. Approval of the Draft Minutes of September 10, 2020 (Pat Cabrera)

There were no public comments on this item. Board member Wengraf made the motion to approve the draft minutes of July 9, 2020. Board member Haggerty seconded and the motion carried 10-0. The Clerk called the role:

(Ayes: Duncan, Haggerty, Hannon, Hernandez, Martinez, Oddie, Pentin, Pilch, Wengraf, Young. Nays: None. Abstain: None. Absent: Kassan, Rood).

4. 2020 Legislative Year in Review (Jeff Becerra)

This item is for information only.

Jeff Becerra, Communications Manager, provided an overview of the staff report and introduced agency lobbyists, Jason Schmelzer and Pricilla Quiroz. Mr. Schmelzer and Ms. Quiroz were available to answer any questions. A link to the staff report is available here: [2020-Legislative-Year-Review.pdf](#)

Board member Hannon inquired about AB 1672 and what caused the bill to die in appropriations. Mr. Schmelzer stated there is no good reason why the bill died and they plan to introduce it again next year. Board member Hannon commented that SB 54/AB 1080 had received significant opposition and asked that going forward staff provide information regarding any opposition affecting the legislation. Board member Hannon inquired about AB 793 (Ting) and inquired if it addressed the lack of availability of recycling centers for customers and the ability for customers to receive the redemption value of plastic bottles. Mr. Becerra stated that AB 793 was fairly narrow in focus as it only ensured that adequate recycled content was added to the containers. Mr. Becerra added that it was intentional for the bill to not focus on reducing the use of single use containers or food ware as SB 54/AB 1080 is the legislation that focuses on reducing single use food ware, as well as possibly addressing some of the issues related to the bottle bill. Mr. Becerra stated that the opposition to SB 54/AB 1080 was mostly from the producers as they would have been responsible for the end of life of the product as well as the recycled content. Mr. Schmelzer stated that in 2021, the bottle bill should be highlighted with a focus on increasing recycling centers. Mr. Schmelzer added, with regard to SB 54/AB 1080, there was opposition from the haulers as well. Board member Young asked when bills that affect sanitation agencies are introduced, are the legislators invited to tour the facilities to witness the effects the wipes have on the workers as well as having to raise rates to support the equipment. Mr. Schmelzer stated that they provide pictures and often times he also will include information on occupational safety and health issues. Board member Young stated that there are people in the Bay Area that are knowledgeable about the issue of wipes and would be willing to appear before the legislature. Chair Duncan inquired about the next steps for the cities with regard to SB 1383. Mr. Becerra stated that there have been conversations with CalRecycle regarding the challenges cities could face with implementation. CalRecycle's response was that their hands were tied due to the language written in the statute, and they only had flexibility with enforcement. Staff will provide more information when we return to the Board in November as we will be discussing joining a group that may draft legislation requesting to delay implementation of SB 1383.

There were no public comments on this item. Chair Duncan thanked staff for the report.

5. Program Evaluation Update (Meghan Starkey)

This item is for information only.

Wendy Sommer provided background on the conventional evaluation methods such as waste characterization studies and waste audits to help inform our work. These methods provide insight into what ends up in the landfill, but as our agency put more emphasis on upstream programs and rely on

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community outreach efforts, it becomes harder to evaluate success. Moving forward, we need an evaluation process that goes beyond counting tons. 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: [Program-Evaluation-Update.pdf](#)

Board member Hannon stated that when looking downstream at disposal, we need to focus on strengthening the marketability of the recyclable materials by ensuring that the recycling stream is clean and free of contamination. Board member Young commented that Oro Loma Sanitary District is preparing to contract with Cascadia Consulting to do a deep dive with about 200 loads in their district to determine the issues of contamination with regard to SB 1383 and inquired if they should wait until program decisions are confirmed. Ms. Starkey stated that we are doing a deep dive of our programs and added contamination will continue to be an ongoing issue and encouraged Oro Loma to proceed with their study, with a focus on weight. Board member Young added that she may make a request that Ms. Starkey present the current presentation to the Oro Loma board as the information is very helpful and effective. Board member Pilch stated that he concurs with Board member Hannon regarding focusing on the economics of materials management and inquired if increasing the recycled content in materials would help the market value of the materials. Mr. Becerra stated that increasing the amount of recycled content in materials would help with the circular economy but recyclable materials are a commodity and those markets tend to fluctuate and currently the market is more favorable to virgin materials. Mr. Becerra added we will continue in our efforts to mandate for more recycled content in materials. Ms. Sommer stated with respect to contamination, the cleaner the materials the more value is added for recyclability. Ms. Sommer added, in October, staff will present an item to the Board about tricky materials, i.e. materials that are presumed to be recyclable but in fact are not. Ms. Sommer added the discussion will focus on an attempt to foster discussion around implementing uniformity among franchise agreements in terms of the materials that are accepted.

There were no public comments on this item. Chair Duncan thanked staff for the report.

7. Member Comments

Ms. Sommer announced the launch of the agency's new Re:Source mobile app available on both Apple and Android platforms. Ms. Sommer stated that it was an in-house effort and congratulated the team for their hard work, Jeff Becerra, Robin Plutchok, Chris Ross, and Jeanine Sidran.

8. Adjournment

The meeting adjourned at 10:00 a.m.

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COMMITTEE MEETING SCHEDULE

To mitigate the spread of COVID-19, until further notice, all meetings will be held via teleconference.

The regular meeting schedule for the Programs & Administration Committee is **the second Thursday of each month at 9:00 a.m.**, except where noted differently (*).

The 2021 meeting dates for the Programs & Administration Committee are as follows:

<u>DATE</u>	<u>TIME</u>
January 14	9:00 a.m.
February 11	9:00 a.m.
March 11	9:00 a.m.
April 8	9:00 a.m.
May 13	9:00 a.m.
June 10	9:00 a.m.
July 8	9:00 a.m.
August – NO MEETING	AUGUST RECESS
September 9	9:00 a.m.
October 14	9:00 a.m.
November 11 – NO MEETING	VETERAN’S DAY
December 9	9:00 a.m.

MEETING STIPEND

Board members are compensated a stipend of \$150 per meeting and will not exceed three meetings per month.

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DATE: December 10, 2020

TO: Programs & Administration Committee
Planning Committee/Recycling Board

FROM: Jeff Becerra, Communications Manager

SUBJECT: 2021 Legislative Priorities

SUMMARY

This January the California legislature begins a new two-year session. At the December 10 committee meetings, staff will lead a discussion of current policy issues and ask the committees to provide a 2021 legislative priority recommendation to the Waste Management Authority for adoption later this month.

DISCUSSION

The legislature will start the year in the same challenging spot where it finished the 2020 session, adapting to changing priorities and limitations on how it can conduct business in the Covid era. As a result, the legislature is likely to send fewer bills to the Governor again this year, and legislative priorities will remain focused on issues like Covid relief, housing/homelessness and wildfire relief.

This change in emphasis by the legislature means that we should adapt as well, and rather than having multiple priority areas like in a typical year, for 2021 staff is proposing a singular focus on providing relief to jurisdictions on SB 1383 implementation deadlines.

This doesn't mean we will ignore other important issues in line with the Agency's Guiding Principles (expected to be updated at the December WMA meeting) like packaging, right to repair, and climate change when they come up, but it focuses our contract lobbying team (Shaw Yoder Antwih Schmelzer & Lange) time on what jurisdictions have conveyed to us is the top issue for them.

SB 1383 Implementation Relief

In 2020, StopWaste joined the League of California Cities, California State Association of Counties, and Rural Counties Representatives of California, requesting state officials and CalRecycle to grant grace periods and temporary relief from SB 1383 implementation requirements as a result of the Covid pandemic. The policy goals of SB 1383 are admirable, and we supported the legislation when it was in the Legislature, however the impacts of jurisdictions dealing with Covid fallout warrant a reprieve in the policy's implementation schedule. CalRecycle has shared that implementation dates could only be delayed through legislation. Therefore the staff recommendation is to join with the coalition we've previously been working with to introduce legislation seeking to modify SB 1383

implementation timelines. If the Board agrees, our lobbying team would focus their efforts on garnering additional support and helping to move the legislation through the 2021 session.

Additional State Policy Related Issues

After many months of vacancy, the Governor has appointed Rachel Wagoner as Director of CalRecycle (pending expected CA Senate confirmation). She is experienced and well respected in the environmental community, most recently serving as Deputy Legislative Secretary in the Office of the Governor. Her previous roles have included Chief Consultant for the California State Senate Committee on Environmental Quality, and Director of Legislative Affairs at the California Department of Toxic Substances Control. Among Wagoner's priorities will be addressing problems with the State Bottle Bill.

Statewide Commission on Recycling Markets and Curbside Recycling

This new group was modeled after the National Sword Task Force that StopWaste organized, and formed as a result of AB 1583 – the California Recycling Market Development Act. It is designed to provide policy and messaging recommendations to CalRecycle, along with identifying which items are recyclable or compostable statewide. The commission is required to submit preliminary policy recommendations (for which StopWaste has been consulted) to the legislature by January 1, 2021. Staff will update the Board on recommendations when they are available.

California Recycling and Plastic Pollution Reduction Act

Led by Recology, this voter initiative closely matches the provisions of the failed SB 54/AB 1080, which sought to reduce single-use food ware packaging throughout the state. Once the measure is confirmed to be on the 2022 ballot, staff will provide a recommended position for the Board to adopt.

Next Steps/Key Dates

Staff will return to the Board in March for review of recommended positions on new bills. Key dates for the 2021 session include:

- December: WMA Board adopts legislative priorities for the upcoming year.
- January: Governor's proposed 2021-22 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.
- May: Governor's May revision of the budget is released.
- June: Board receives status update on bills and provides direction as appropriate. The 2021-22 budget must be passed.
- September: Deadline for bills to pass the Legislature.
- October: Deadline for Governor to sign or veto bills; Status update provided to Board after Governor takes action.

RECOMMENDATION

Discuss legislative priorities for calendar year 2021 and provide a recommendation to the Waste Management Authority for adoption at its December 16 meeting. The staff recommendation is to join efforts with partners to introduce and support legislation seeking to modify SB 1383 implementation timelines.

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DATE: December 10, 2020

TO: Programs and Administration Committee
Planning Committee/Recycling Board

FROM: Pat Cabrera, Administrative Services Director
Nisha Patel, Management Analyst II

SUBJECT: Landfill Tonnage and Associated Revenue

SUMMARY

At the December 10, 2020 Programs and Administration Committee and Planning Committee/Recycling Board meetings, staff will provide an update on recent landfill tonnage trends and associated Agency revenue.

DISCUSSION

The Agency levies various fees on refuse disposed at Alameda County landfills.¹ These fees, referred to as tonnage revenue, help fund programs that advance compliance with state and local waste reduction mandates, as outlined in both the CoIWMP and the Recycling Plan, and as reflected in our budget. The AB 939 Facility Fee (\$4.34 per ton disposed), the Mitigation Fee (\$4.53 per ton disposed), and a portion of the Measure D Fee (\$8.23 per ton disposed) comprise approximately 92% of the Agency’s core revenue. The remaining 8% comes from wind and other property related revenue, fee enforcement revenue and interest revenue.

Over the past several years this source of revenue has been stable, which in large part reflected a strong economy. More recently however, since the onset of the COVID-19 pandemic in March 2020, shelter in place orders and other measures to protect public health have impacted local economies and created some additional volatility in solid waste disposal trends and associated revenue. That being said, due to prudent budgeting, we expect that core budget expenditures will match or be below core revenues again this fiscal year.

Tonnage Revenue: March – October 2020

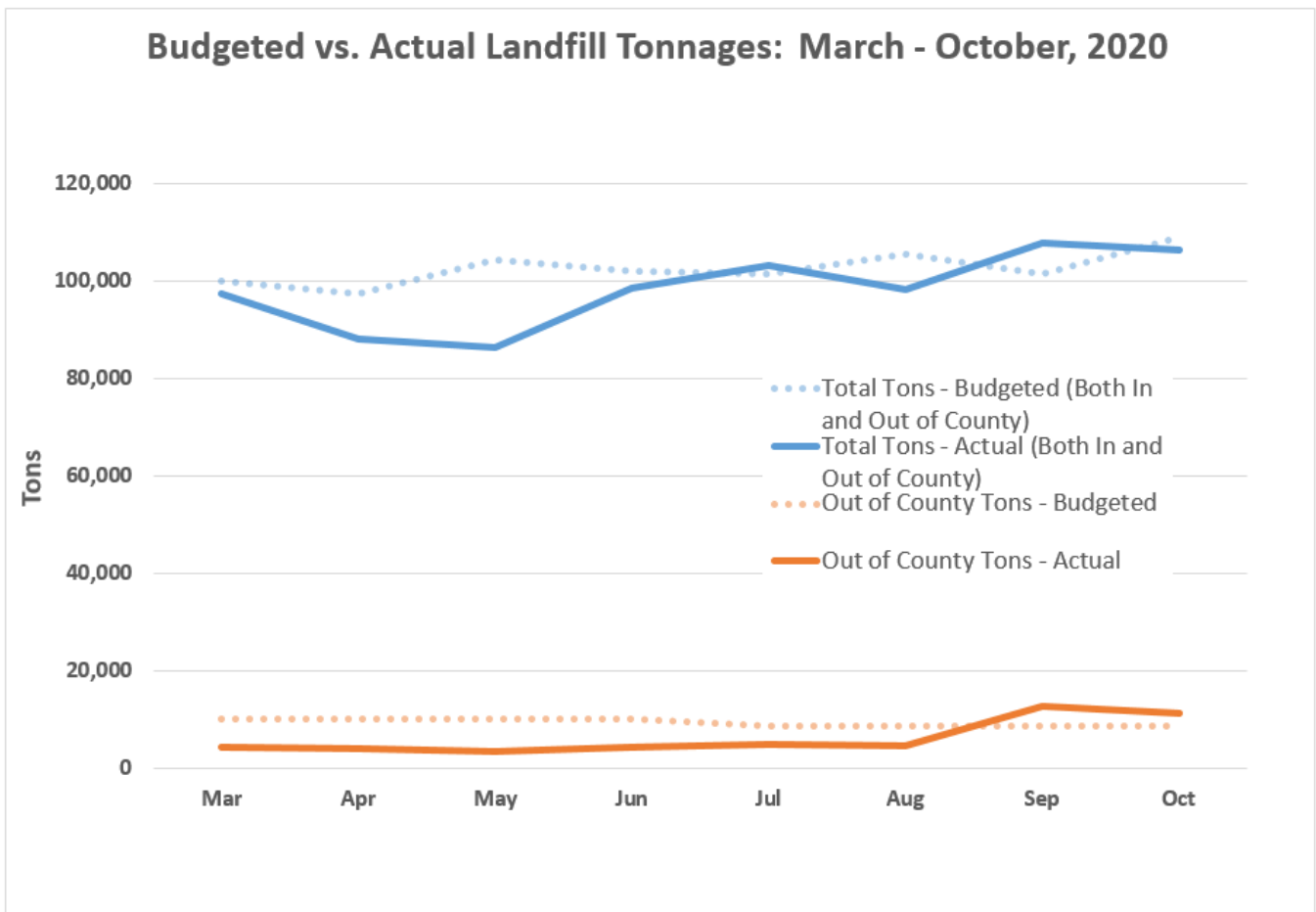
As shown in the graph below, actual total solid waste tonnage accepted from both in- and out-of-county jurisdictions was below budgeted estimates for three non-consecutive months (April, May and

¹ Waste generated in Alameda County and landfilled at out of county sites are also levied the \$4.34 AB 939 facility fee and monitored by the Agency’s fee enforcement program.

August) between March – October 2020. There were also two months (July and September) in which total tonnage exceeded budgeted estimates. Overall, for the eight-month period between March – October 2020, landfill tonnage dropped by approximately 34,000 tons, or 4% below budgeted estimates, corresponding to a reduction of approximately \$275,000 in core revenue. The largest declines occurred in April and May, which was not unexpected. However, given that actual tonnage for the first seven months of FY 19-20 met or exceeded projections, core tonnage revenue in total for the fiscal year was approximately \$380,000 above budgeted estimates.

Two months of unexpected or “one-time” tonnages (approximately 13.5 tons) offset declines in out-of-county tonnage this fiscal year, and in general we have not experienced the type of tonnage decreases we normally see with an economic downturn. Furthermore (and as anticipated), tonnage volumes reflect materials being diverted from the landfill due to the Organics Materials Recovery Facility (OMRF) operations at Davis St. In terms of fiscal year projections, should actual tonnages match projections through the rest of the fiscal year, the Agency would effectively reach its budgeted estimate of approximately \$10M for this revenue source.

However, there is a consistent decline in ongoing out-of-county tonnage once we deduct the one-time spikes. If we assume that ongoing out-of-county tonnages are going to continue this downward trend, we estimate that our total core tonnage projection would decline by approximately \$300,000, or 3%.



Impacts on the Agency's Core Budget

The Agency's budgetary goal is to match ongoing expenditures with ongoing revenues. The Agency's core budget in FY20-21 is approximately \$400,000 less than budgeted core revenues. As such, should tonnage revenue decline by \$300,000 and assuming other revenues stay on track, the Agency will have met its goal this fiscal year. Furthermore, we are anticipating a surplus of at least \$350,000 resulting from salary and hard cost savings (not filling vacancies, deferred travel, hiatus on transfer station tours, and other savings). Therefore, we are not anticipating any reduction of our core fund balances, which are projected to total approximately \$17.1M at the end of FY20-21. Finally, the Agency has a fiscal reserve totaling \$2.1M. This reserve is designed to fill in revenue shortfalls if needed. We have never used this reserve and don't foresee the need to use it this year either. However, it is another safety net that we have in place to ensure the Agency's financial stability.

As always we will continue to monitor disposal trends carefully and advise the Board if any action needs to be taken. We will provide another revenue update as part of the annual fiscal forecast scheduled for March, in preparation of FY 21-22 budget development.

RECOMMENDATION

This item is for information only.

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DATE: December 10, 2020

TO: Programs and Administration Committee

FROM: Pat Cabrera, Administrative Services Director

SUBJECT: Contract/Vendor Authorization

SUMMARY

At the December 10, 2020 Programs and Administration (P&A) Committee meeting, staff will recommend approving the following new or augmented contracts and/or service agreements.

DISCUSSION

Expenditures listed below were approved by the Authority Board as part of the FY 20-21 budget or through a prior year encumbrance. However, since the Executive Director only has authority to approve contracts, purchase orders or other expenditures of funds to any one vendor or consultant up to \$50,000 per fiscal year, expenditures in excess of this amount require additional Board approval. The request for this approval is generally included during the budget process and at mid-year if necessary. It should be noted that the media vendors named in the memo (Spotify and EffectTV) are replacing our usual advertisers (AC Transit and BART) due to the COVID-19 pandemic and shelter in place orders which significantly reduced ridership. Switching to digital media was determined to be a more effective method of outreach during these unprecedented times.

Staff is requesting that the P&A Committee review and advance to the Waste Management Authority for approval the following contracts, contract augmentations and/or spending authority. Vendors/contractors that are less than \$50,000 have been included in the list below if previous expenditures to that contractor could exceed the Executive Director’s authorization threshold.

Food Waste Reduction

Spotify	\$25,000
<i>Digital radio advertising</i>	
EffectTV	\$45,050
<i>Digital television advertising</i>	

Used Oil Recycling (Externally Funded)

Spotify	\$25,000
<i>Digital radio advertising</i>	
EffectTV	\$15,000
<i>Television Advertising</i>	

Household Hazardous Waste

Spotify	\$ 6,500
<i>Digital radio advertising</i>	
EffectTV	\$15,000
<i>Digital television advertising</i>	

Information Systems (Overhead)

CDW Government, Inc.

\$25,000

Additional authorization required for purchases of computer equipment needed due to the shelter in place order and increased teleworking.

Property Management (Altamont Properties)

\$80,000

TBD pending results from the request for proposals and subject to Executive Director approval.

Various repairs needed, including replacement of the perimeter fence at Parcel 6 as well as repairs needed at the North Flynn house.

RECOMMENDATION

That the Programs and Administration Committee recommend that the WMA Board approve the contracts, vendors and/or spending authority as listed above.