

Darby Hoover, **President**
Environmental Organization

Francisco Zermeno, **1st Vice President**
ACWMA

Laura McKaughan, **2nd Vice President**
Recycling Materials Processing Industry

Bob Carling, ACWMA

Deborah Cox, ACWMA

Eric Havel, Environmental Educator

Dan Kalb, ACWMA

Chiman Lee, Recycling Programs

Dave Sadoff, ACWMA

Matthew Zimbalist, Source Reduction Specialist

Solid Waste Industry Representative, Vacant

Timothy Burroughs, Executive Director

AGENDA
MEETING OF THE
PLANNING COMMITTEE
AND
ALAMEDA COUNTY RECYCLING BOARD
Thursday, December 9, 2021
7:00 P.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 recent amendments to the Ralph M. Brown Act 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 and staff who are not presenting an item may attend and participate in the meeting by:

1. Calling US: +1 669 900 6833 and using the webinar id 825 8140 8513
2. Using the [Zoom](#) website or App and entering meeting code 825 8140 8513

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 noon, Thursday, December 9, 2021. 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 recent amendments to the Ralph M. 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. CALL TO ORDER

II. ROLL CALL OF ATTENDANCE

III. ANNOUNCEMENTS BY PRESIDENT

IV. OPEN PUBLIC COMMENT

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Board, but not listed on the agenda. Each speaker is limited to three minutes.

Page V. CONSENT CALENDAR

1 1. Approval of the Draft Joint WMA, EC & RB Minutes of November 17, 2021

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

Adopt Resolution #RB 2021-04.

9 3. 2022 Meeting Schedule

Adopt the 2022 Meeting Schedule.

11 4. Board Attendance Record

13 5. Written Report of Ex Parte Communication

VI. REGULAR CALENDAR

15 1. Election of Officers for 2022 (Arliss Dunn)

Elect Officers for 2022.

17 2. Expenditure Plan Approvals for Accumulated Measure D Funds (Meri Soll)

Staff recommends that the Recycling Board approve the Expenditure Plans submitted by the cities of Albany, Dublin and Pleasanton and find that they are eligible to continue receiving quarterly per-capita disbursements from the Recycling Fund through June 30, 2024, while they spend their Measure D funds according to their latest Expenditure Plans.

33 3. Five-Year Programmatic Audit – Award of Contract (Meri Soll)

Authorize the Executive Director to amend the current Crowe LLP financial audit contract of \$89,682.50 by \$42,000 (for a not to exceed amount of \$131,682.50) to perform the Measure D required programmatic audit for Fiscal Years 16-17 to 20-21.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. ADJOURNMENT

DRAFT

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

Wednesday, November 17, 2021

3:00 P.M.

TELECONFERENCE MEETING

I. CALL TO ORDER

President Young called the meeting to order at 3:05 p.m. Timothy Burroughs explained the process that would be utilized during the meeting. A link to the process is available here: [Virtual-Meetings- Instructions](#)

Board member Haubert announced the sudden passing of Supervisor Wilma Chan. Board member Haubert discussed Supervisor Chan's background and achievements and extended thanks to everyone who sent condolences to the Board of Supervisors and Supervisor Chan's family. Board member Haubert announced that the Board of Supervisors appointed her chief of staff, Dave Brown, to serve the remaining 14 months of her term. The board observed a moment of silence in memory of Supervisor Chan.

II. ROLL CALL OF ATTENDANCE

WMA, EC & RB

County of Alameda

City of Alameda

City of Albany

City of Berkeley

Castro Valley Sanitary District

City of Dublin

City of Emeryville

City of Hayward

City of Livermore

City of Newark

City of Oakland

Oro Loma Sanitary District

City of Piedmont

City of Pleasanton

City of San Leandro

City of Union City

Environmental Educator

Environmental Organization

Recycling Materials Processing Industry

Recycling Programs

Source Reduction Specialist

Solid Waste Industry Representative

David Haubert, WMA, EC

Trish Herrera Spencer, WMA, EC

Preston Jordan, WMA, EC

Susan Wengraf, WMA, EC

Dave Sadoff, WMA, RB

Melissa Hernandez, WMA, EC

Dianne Martinez, WMA, EC

Francisco Zermeño, WMA, EC, RB

Bob Carling, WMA, EC, RB

Mike Hannon, WMA, EC

Dan Kalb, WMA, EC, RB (EC President)

Shelia Young, WMA (President)

Jen Cavanaugh, WMA, EC

Jack Balch, WMA, EC

Deborah Cox, WMA, EC, RB

Jaime Patiño, WMA, EC

Eric Havel, RB

Darby Hoover, RB (President)

Laura McKaughan, RB (2nd Vice President)

Chiman Lee, RB

Matthew Zimbalist, RB

Vacant

Absent

City of Fremont

Jenny Kassan, WMA, EC

Staff Participating

Timothy Burroughs, Executive Director
Jeff Becerra, Communications Manager
Emily Alvarez, Program Manager
Cassie Bartholomew, Program Manager
Arless Dunn, Clerk of the Board
Adrienne Ramirez, Assistant Clerk of the Board
Richard Taylor, WMA Legal Counsel
Farand Kan, County Counsel

Others Participating

Priscilla Quiroz, Agency Lobbyist, Shaw Yoder Antwih Schmelzer & Lange
Xochi Hernandez, Sustainability Manager, Alameda County Food Bank
Kathleen Rousseau, RPR Architects
Johnny Duong, CA Waste Solutions

III. ANNOUNCEMENTS BY PRESIDENTS

There were none.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

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

V. CONSENT CALENDAR

1. Approval of the Draft WMA/EC Minutes of October 27, 2021 (WMA/EC only)

2. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361 (WMA only)

Adopt Resolution WMA# 2021-05.

Board member Cox made the motion to approve the Consent Calendar for the WMA. Board member Wengraf seconded and the motion carried 18-0: The Clerk called the roll:

(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kalb, Martinez, Sadoff, Spencer, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: Kassan, Patiño)

3. Approval of the Draft PC/RB Minutes of October 14, 2021 (RB only)

4. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361 (RB only)

Adopt Resolution RB# 2021-04.

5. Recycling Board Attendance Record (RB only)

6. Written Report of Ex Parte Communications (RB only)

Board member Zermeño made the motion to approve the Consent Calendar for the RB. Board member McKaughan seconded and the motion carried 10-0: The Clerk called the roll:

(Ayes: Carling, Cox, Havel, Hoover, Kalb, Lee, McKaughan, Sadoff, Zermeño, Zimbalist. Nays: None. Abstained: None. Absent: None)

7. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361 (EC only)

Adopt Resolution EC# 2021-06.

Board member Jordan made the motion to approve the Consent Calendar for the EC. Board member Balch seconded and the motion carried 17-0: The Clerk called the roll:

(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kalb, Martinez, Spencer, Wengraf, Zermeño. Nays: None. Abstained: None. Absent: Kassan, Patiño)

VI. REGULAR CALENDAR

1. Legislative Priorities for 2022 (Jeff Becerra) (WMA only)

That the WMA Board discuss legislative priorities for calendar year 2022 and adopt a priority or set of priorities for staff to pursue in conjunction with its partners and the agency's lobbying team in Sacramento. The Recycling Board is also encouraged to provide input on the Agency's 2022 legislative priorities.

Jeff Becerra provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and presentation is available here: [Legislative-Priorities-2022.pdf](#). Pricilla Quiroz, Agency Lobbyist, was available to answer any questions. Mr. Becerra stated that StopWaste is working with a new group, Zero Waste Now, which is made up of various agencies in the Bay Area and rural areas. Mr. Becerra stated that staff has established four recommended priority areas that the agency will focus on as well as continued efforts on implementation and compliance with SB 1383. The priority areas are: SB 1383 procurement adjustments, clear product labeling, circular economy solutions, and building decarbonization/electrification.

Additional time was provided for discussion and clarifying questions. An audio link to the discussion is available here: [Legislative-Priorities-Discussion](#). Board members encouraged staff to act with urgency to contribute to and support legislation that eliminates waste upstream and advances circular economic solutions.

Board member Hannon made the motion to approve the staff recommendation. Board member Wengraf seconded and the motion carried 18-0: The Clerk called the roll:

(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kalb, Martinez, Patiño, Sadoff, Spencer, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: Kassan)

2. Alameda County Food Recovery Network Overview (Cassie Bartholomew) (WMA & RB only)

This item is for information only.

Cassie Bartholomew provided an overview of the staff report and introduced Xochi Hernandez, Sustainability Manager from the Alameda County Food Bank. Ms. Bartholomew and Ms. Hernandez presented a PowerPoint presentation. A link to the staff report and the presentation is available here: [WMA-EC-Memo-ACFRN.pdf](#). An audio link to the discussion is available here: [ACFRN-Discussion](#)

Ms. Bartholomew provided an overview regarding food insecurity and how the agency is working with various partners to meet the requirements of SB 1383 food donation mandates while also addressing the root cause of hunger. Ms. Hernandez provided information on how the food bank is preparing their donors for SB 1383 and provided an overview of the food bank's Grocery Rescue program. Board member Zermeño asked if the agency is considering franchise fees on food recovery. Ms. Bartholomew replied that is not currently being pursued but staff is having discussions regarding this issue. Board member Zermeño requested that the item be placed on a future agenda. Additional time was provided for discussion and clarifying questions. There were no public comments on this item. President Young thanked Ms. Bartholomew and Ms. Hernandez for an informative presentation.

3. Amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) for California Waste Solutions North Gateway facility located at 2308 Wake Avenue in Oakland (Emily Alvarez) (PC&RB only)

Staff recommends that the Recycling Board (in its role as Local Task Force) provide comments recommending, and that the Planning Committee recommend to the WMA Board that it hold a public hearing and adopt a resolution to (1) amend the ColWMP (Exhibit 1) to include the CWS North Gateway Recycling Facility in the City of Oakland, and make additional changes for consistency, (2) find that the CWS facility conforms to the ColWMP, as amended, and (3) make the findings required by CEQA.

Emily Alvarez provided an overview of the staff report and presented slides on the proposed facility. A link to the staff report and presentation is available here: [CWS-ColWMP-Amendment.pdf](#). The facility will take approximately one year to complete, will employ 165 people (relocated and new) and process 850 tons of acceptable material per day. Additional time was provided for discussion and clarifying questions. Kathleen Rousseau, RPR Architects, and Johnny Duong, California Waste Solutions (CWS), were available to answer any questions. A link to the audio discussion is available here: [CWS-ColWMP-Discussion](#)

Board member McKaughan disclosed that her firm is contracting with CWS for outreach and education but does not benefit from this project, and inquired if this poses a conflict of interest. County Counsel, Farand Kan, confirmed that this is not a conflict of interest and is satisfied with her disclosure. There were no public comments on the remote call, however a letter was received via the public comments email portal. The Clerk sent a copy of the letter to the board in advance of the meeting. The letter was from Andrea K. Leisy, on behalf of Waste Management of Alameda County (WMA), regarding Item VI. (3) – Amendment to the Alameda County Integrated Waste Management Plan (ColWMP) for California Waste Solutions North Gateway Facility located at 2308 Wake Avenue Oakland. A link to the letter is available here: [WM-Ltr-Public-Comment.pdf](#)

Board member Sadoff stated that he is satisfied with the location and CEQA documents in addition to information that he received from staff regarding geological and groundwater data and motioned to recommend approval of the amendment to the ColWMP and forward to the WMA Board for approval. Board member Zermeño seconded and the motion carried 9-0-1. The Clerk called the roll: (Ayes: Carling, Cox, Havel, Hoover, Kalb, Lee, McKaughan, Sadoff, Zermeño. Nays: None. Abstain: Zimbalist. Absent: None. Vacant: Solid Waste Industry Representative)

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

(Planning Committee and Recycling Board meeting on December 9, 2021 at 7:00 p.m. The meeting will be held via teleconference)

There were no requests for an interim appointment.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Timothy Burroughs reminded the WMA board that due to the holidays, the next meeting is on December 15, 2021, the third Wednesday. Board member Sadoff thanked staff for arranging a tour and overview of the carbon farming project at the agency property at Altamont and stated that it would be nice to revisit the property in the spring.

VIII. ADJOURNMENT

The meeting was adjourned at 5:04 p.m.



DATE: December 9, 2021

TO: Recycling Board

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 December 9, 2021, meeting, the Recycling Board 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 Recycling Board 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 Recycling Board 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 Recycling Board will need to revisit the need to conduct meetings remotely at least every 30 days following adoption of the attached resolution.

RECOMMENDATION

Adopt resolution #RB 2021-05.

Attachment: Alameda County Recycling Board Resolution #RB 2021-05

**ALAMEDA COUNTY RECYCLING BOARD
RESOLUTION #RB 2021-05**

**MOVED:
SECONDED:**

AT THE MEETING HELD DECEMBER 9, 2021

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 Recycling Board 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 Recycling Board 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 Recycling Board's available meeting spaces, social distancing is difficult without severely limiting space for members of the public to attend.
- The Board anticipates this resolution will appear on its consent calendar for review and ratification or update at each regular Board meeting for as long as the Governor's proclaimed state of emergency related to the COVID-19 pandemic remains in effect and the Board desires to continue remote public meetings.

BE IT FURTHER RESOLVED, that:

1. Recycling Board 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 Recycling Board 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 Board determines the need still exists at each 30-day mark, the determination will be ratified by a vote of the Board documented in the minutes of that meeting.

Passed and adopted this 9th day of December 2021 by the following vote:

AYES:

NOES:

ABTAIN:

ABSENT:

Arliss Dunn, Clerk of the Board

This page intentionally left blank



2022 COMMITTEE MEETING SCHEDULE

Recycling Board/Planning Committee (2nd Thursday each month)

The regular meeting schedule for the Recycling Board/Planning Committee is the second Thursday of each month at 4:00 p.m. or 7:00 p.m.

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
January 13	4:00 p.m.	TBD
February 10	7:00 p.m.	District 3 – Location TBD
March 10	4:00 p.m.	TBD
April 27 <i>*Joint Meeting WMA/EC/RB</i>	3:00 p.m.	TBD
May 12	7:00 p.m.	District 4 – Location TBD
June 9	4:00 p.m.	TBD
July 14	7:00 p.m.	District 2 – Location TBD
August 11	4:00 p.m.	TBD
September 8	7:00 p.m.	District 1 – Location TBD
October 13	4:00 p.m.	TBD
November 16 <i>*Joint Meeting WMA/EC/RB</i>	3:00 p.m.	TBD
December 8	7:00 p.m.	District 5 – Location TBD

Recommendation:

Adopt the 2022 Meeting Schedule.

This page intentionally left blank

2021 - ALAMEDA COUNTY RECYCLING BOARD ATTENDANCE

	J	F	M	A	M	J	J	A	S	O	N	D
REGULAR MEMBERS												
B. Carling	X	X	X	X	X	X	X	X	X	X	X	
L. Carrell	X											
D. Cox	X	X	X	X	X	X	X	X	X	X	X	
E. Havel	X	X	X	X	X	A	X	X	X	X	X	
D. Hoover	X	X	X	X	X	X	X	X	A	X	X	
C. Lee				X	X	X	X	X	X	X	X	
D. Kalb	X	X	X	X	X	X	X	X	X	X	X	
L. McKaughan	X	X	X	X	X	X	X	X	X	X	X	
T. Nourof	X	X	X	X	X	A	X	A	A			
D. Sadoff	X	X	X	X	X	X	X	I	X	X	X	
F. Zermeño	X	X	X	X	X	X	X	X	X	X	X	
M. Zimbalist										X	X	
Vacant- Solid Waste Industry Representative												
INTERIM APPOINTEES												
S. Young								X				

Measure D: Subsection 64.130, F: Recycling Board members shall attend at least three fourths (3/4) of the regular meetings within a given calendar year. At such time, as a member has been absent from more than one fourth (1/4) of the regular meetings in a calendar year, or from two (2) consecutive such meetings, her or his seat on the Recycling Board shall be considered vacant.

X=Attended

A=Absent

I=Absent - Interim Appointed

This page intentionally left blank

DATE: December 9, 2021
TO: Recycling Board
FROM: Timothy Burroughs, Executive Director
SUBJECT: Written Reports of Ex Parte Communications

BACKGROUND

Section 64.130 (Q)(1)(b) of the Alameda County Charter requires that full written disclosure of ex parte communications be entered in the Recycling Board's official record. At the June 19, 1991 meeting of the Recycling Board, the Board approved the recommendation of Legal Counsel that such reports be placed on the consent calendar as a way of entering them into the Board's official record. The Board at that time also requested that staff develop a standard form for the reporting of such communications. A standard form for the reporting of ex parte communications has since been developed and distributed to Board members.

At the December 9, 1999 meeting of the Recycling Board, the Board adopted the following language:

Ex parte communication report forms should be submitted only for ex parte communications that are made after the matter has been put on the Recycling Board's agenda, giving as much public notice as possible.

Per the previously adopted policy, all such reports received will be placed on the consent calendar of the next regularly scheduled Recycling Board meeting.

This page intentionally left blank



DATE: December 9, 2021

TO: Recycling Board/Planning Committee

FROM: Arliss Dunn, Clerk of the Board

SUBJECT: Election of Officers for 2022

SUMMARY

The Rules of Procedure call for election of officers in December for the next calendar year. Nominations and elections will be held at the December 9, 2021 meeting.

DISCUSSION

Darby Hoover is the current President, Francisco Zermeño is First Vice President, and Laura McKaughan is the Second Vice President. Per past practice, Board Member Zermeño would become President, Board Member McKaughan, the Second Vice President, would become First Vice President, and the Board must elect a Second Vice President. The Board usually alternates officers between WMA appointees and Board of Supervisor appointments. To that end, a WMA appointee would be elected as Second Vice President.

RECOMMENDATION

Elect Officers for 2022.

This page intentionally left blank

DATE: December 9, 2021

TO: Recycling Board

FROM: Meri Soll, Senior Program Manager

SUBJECT: Expenditure Plan Approvals for Accumulated Measure D Funds

SUMMARY

The Recycling Board has adopted rules for municipal eligibility to receive further disbursements of Measure D revenues once a specified unspent fund balance threshold is exceeded. The municipality must submit, and the Recycling Board must approve, an expenditure plan explaining how the accumulated funds will be spent down below the threshold before the municipality will be eligible to receive further Measure D per-capita monies. The Cities of Albany, Dublin and Pleasanton reported an unspent fund balance at the end of FY 20-21 that exceeds the current policy threshold, and each has submitted an expenditure plan for FY 21-22 and 22-23 for Board consideration. Staff reviewed these plans and recommends Recycling Board approval.

DISCUSSION

The County Charter (Measure D) directs that 50% of Recycling Fund revenues generated from the \$8.23 per ton landfill surcharge "...shall be disbursed on a per-capita basis to municipalities for the continuation and expansion of municipal recycling programs." (Subsection 64.060(B)(1)).

In June 2021, the Recycling Board adopted Resolution #RB 2021-2 (Attachment A) which revised the 2006 adopted policy containing rules and procedures regarding the accumulation of unspent fund balances, plans for the use of such accumulated funds, and the eligibility to receive further per-capita disbursements in order to meet Measure D goals. The purpose of this adopted policy is to encourage the use of Measure D funds to help achieve countywide waste reduction goals, and to discourage accumulating funds without a plan for their use. Specifically, the policy states:

Any municipality receiving per capita disbursements of Recycling Fund monies under the Alameda County Waste Reduction and Recycling Act, Section 64.060, shall present to the Board for its approval a written expenditure plan if, at the end of any fiscal year, that municipality has an unspent balance of such monies that exceeds the amount of \$8.00 (eight dollars) multiplied by the population basis used for the first quarterly disbursement of that fiscal year. (This policy utilizes the same threshold formula found in Resolution 2014-2). Municipality must submit, for the approval of the Recycling Board, an expenditure plan for that municipality to continue to receive future quarterly disbursements. A municipality's proposed expenditure plan must include the following:

- The scope of work and amount of funds proposed for expenditure to reduce the municipality's Measure D fund balance to 25% below the allowable threshold of \$8.00 (eight dollars) multiplied by the population basis formula
- An expenditure plan and scope of work allocated by fiscal year and designed to expend the required amount within two (2) fiscal years from submittal date of the expenditure plan
- Member agency's manager (City Manager, General Manager, or equivalent) signature

The cities of Albany, Dublin and Pleasanton have submitted plans (Attachments B, C and D) that have been reviewed by staff to ensure they meet the above policy requirements and are reasonable approaches to draw down fund balances to 25% below the allowable threshold.

This is the second expenditure plan for review and approval by the Recycling Board from the cities of Dublin and Pleasanton. City staff have shared with StopWaste that they were unable to meet the goals set for their FY 19-20 and 20-21 expenditure plans (approved by the Recycling Board in February 2020) as a result of work reductions due to Shelter in Place/COVID-19 pandemic restrictions. Pandemic restrictions eliminated or put on hold many planned Measure D expenses such as hiring staff, outreach and education, and in-person events such as Earth Day festivals and compost giveaway events.

Starting January 2022, municipalities will begin activities relating to SB 1383 implementation, which are included in eligible Measure D expenditures, including consultant contracts and additional staff time needed for SB 1383 technical assistance and outreach to the community. These expenses can be covered by Measure D and will further reduce the Measure D fund balances.

At the December 2021 Board meeting, staff will provide an overview of the attached Expenditure Plans. Representatives from Albany, Dublin and Pleasanton will be available to respond to any questions related to the expenditure plan details.

RECOMMENDATION

Staff recommends that the Recycling Board approve the Expenditure Plans submitted by the cities of Albany, Dublin and Pleasanton and find that they are eligible to continue receiving quarterly per-capita disbursements from the Recycling Fund through June 30, 2024, while they spend their Measure D funds according to their latest Expenditure Plans.

Attachments:

[Attachment A](#) – Recycling Board Resolution #2021-2

[Attachment B](#) – City of Albany FY 2020-21 and 2021-22 Measure D Expenditure Plan

[Attachment C](#) – City of Dublin FY 2020-21 and 2021-22 Measure D Expenditure Plan

[Attachment D](#) – City of Pleasanton FY 2020-21 and 2021-22 Measure D Expenditure Plan

ATTACHMENT A
ALAMEDA COUNTY SOURCE REDUCTION AND RECYCLING BOARD

RESOLUTION #RB 2021-02
MOVED: Zermeno
SECONDED: Cox
AT THE MEETING HELD JUNE 10, 2021

**RECYCLING BOARD RESOLUTION REGARDING FUND BALANCES OF
RECYCLING FUND PER CAPITA ALLOCATIONS**

WHEREAS, the Alameda County Charter Section 64 (the Alameda County Waste Reduction and Recycling Act of 1990, hereinafter the “Act”) states that “The Recycling Board shall formulate rules for its own procedures and other rules as necessary to facilitate the implementation of the provisions of this Act,” (Subsection 64.130(J)); and

WHEREAS, the Act states that fifty percent of the monies from the Recycling Fund shall be disbursed on a per capita basis to municipalities for the continuation and expansion of municipal recycling programs (Subsection 64.060 (B)(1)); and

WHEREAS, the Recycling Board has concluded “Phase One” of the current 5-Year Financial and Compliance Audit for the period FY 2016/17 through FY 2018/19; and

WHEREAS, the Recycling Board has reviewed audit recommendations to consider further revising Resolution 2014-2, the policy addressing accumulated Measure D fund balances held by the municipalities; and

WHEREAS, the Recycling Board discussed the issues and concerns with the current policy at the February 11, 2021 meeting and based on that discussion requested a revised policy for final consideration and adoption; and

WHEREAS, the Recycling Board hereby finds that this policy of rules and procedures regarding the accumulation of unspent fund balances, plans for the use of such accumulated funds, and eligibility to receive further per capita disbursements will facilitate implementation of the Act; and

WHEREAS, this policy supersedes Resolution 2014-2 and any other policy or practice addressing this issue.

NOW THEREFORE, BE IT RESOLVED, that the Alameda County Source Reduction and Recycling Board hereby adopts the policy which revises and replaces “Rule 2” from Resolution #RB 2014-2 with the following:

Rule 2: Any municipality receiving per capita disbursements of Recycling Fund monies under the Alameda County Waste Reduction and Recycling Act, Section 64.060, shall present to the Board for its approval a written expenditure plan if, at the end of any fiscal year, that municipality has an unspent balance of such monies that exceeds the amount of \$8.00 (eight dollars) multiplied by the population

basis used for the first quarterly disbursement of that fiscal year. (Utilizing same threshold formula identified in Resolution 2014-2).

Municipality must submit, for the approval of the Recycling Board, the plan for municipality to continue to receive future quarterly disbursements. A municipality's proposed expenditure plan must include the following:

- The scope of work and amount of funds proposed for expenditure to reduce the municipality's Measure D fund balance to 25% below the allowable threshold of \$8.00 (eight dollars) multiplied by the population basis formula.
- An expenditure plan and scope of work allocated by fiscal year and designed to expend the required amount within two (2) fiscal years from submittal date of the expenditure plan
- Member agency's manager (City Manager, General Manager, or equivalent) signature

The municipality is required to provide updates on plan implementation and progress relating to expenditures to reduce fund balance in the following manner:

- Conduct quarterly check in meetings with assigned Recycling Board staff.
- Provide yearly updates to the Recycling Board that include expenditure plan compliance, expenditures and progress of expenditure plan deliverables.

After two (2) years from submittal of approved expenditure plan, if the municipality's yearly Measure D report identifies that the municipality's end of fiscal year fund balance has not been reduced to 25% below the allowable threshold, the following will occur:

- Municipality will no longer be eligible for quarterly Measure D disbursements for an entire fiscal year, using the start date of Q1 of the fiscal year in which the municipal Measure D report was submitted.
- Quarterly disbursements will be retained by Recycling Board in a dedicated Measure D fund liability account; interest earned on liability account will be retained by Recycling Board.
- Quarterly check in with Recycling Board staff and yearly updates to Recycling Board will continue.
- The municipality's Measure D annual report will be reviewed to assess if municipality has successfully reduced fund balance to 25% below allowable threshold.
- When municipality has reduced fund balance as required, it will be eligible to receive future quarterly disbursements, effective Q1 of the fiscal year the municipal Measure D report was submitted.
- When municipality has reduced fund balance as required, municipality will also be eligible to receive funds held in the dedicated liability account. Funds will be released to municipality in alignment with the quarterly disbursement schedule. Withheld funds will be disbursed in amounts equivalent to the normal quarterly disbursement amounts, until the account balance has been reduced to \$0.
- If municipality has not adequately reduced the fund balance per policy, funds will continue to be withheld for an entire fiscal year until it can demonstrate reduction in fund balance to 25% below allowable threshold.

A municipality may request approval from the Recycling Board to access its Measure D funds held in the dedicated liability account if it can demonstrate the need for funds to pay for a pending expenditure that is an approved Measure D expense.

Rule 2 will be applied to the municipality's end of fiscal year fund balance utilizing the Measure D Annual Report submitted for FY 2020/21 and each year thereafter.

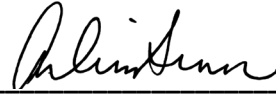
Passed and adopted this June 10, 2021 by the following vote:

AYES: Carling, Cox, Hoover, Kalb, Lee, McKaughan, Sadoff, Zermelo

NOES: None

ABSTAIN: None

ABSENT: Havel, Nouro, Vacant: Recycling Materials Processing Industry

A handwritten signature in black ink, appearing to read "Arliss Dunn", written over a horizontal line.

Arliss Dunn, Clerk of the Board

ALBANY CALIFORNIA



CITY OF ALBANY
1000 SAN PABLO AVENUE
ALBANY, CA 94706
www.AlbanyCA.org

December 09, 2021

StopWaste
Timothy Burroughs, Executive Director
1537 Webster Street
Oakland, CA 94612

RE: City of Albany FY2021-22 and FY2022-23 Measure D Expenditure Plan

Dear Mr. Burroughs:

This letter serves as the City of Albany's Measure D Expenditure Plan for the two-year period beginning July 1, 2021 through June 30, 2023. At the close of FY 2020-21, the City was over the allowable Measure D fund balance threshold by \$50,677. Per [Measure D Resolution 2021-02](#), the City must submit a Two Year Expenditure Plan explaining how the City will draw down the current fund balance of \$202,173 to 25% below the allowable threshold of \$151,496 to continue receiving quarterly Measure D disbursements.

In the coming fiscal year, the City will begin allocating Measure D monies toward staff time spent working on Measure D-related activities. Previously, the City was using General Fund monies to cover this staff time. In early 2022, the City will execute a lease agreement with Bigbelly, Inc. to cover the costs of a leasing contract for four new Bigbelly systems to be installed at the Albany Waterfront and Albany Hill Park. Although not noted in the table below, if the leasing agreement is deemed successful, the City may expend additional Measure D funds to cover leases for additional Bigbelly units, which will further draw down the fund balance. Measure D funds will also be allocated towards the one-time installation costs associated with the new Bigbelly units. The City anticipates using a significant portion of Measure D funds to cover costs associated with SB 1383 implementation, which officially takes effect on January 1, 2022. Such costs may include additional staff time, outreach and education to the community, technical assistance for compliance, and an SB 1383 implementation plan. The City also anticipates around \$10,000 annually being allocated toward miscellaneous annual expenses, many of which (events, household hazardous waste drop-offs, conference attendance for staff) were on pause due to the COVID-19 pandemic.

The combination of these expenses over the next two years should bring Albany down to 25% below its allowable threshold before the close of FY2022-23, and bring Albany back into compliance with #RB 2014-2, Rule 2.

Thank you for your consideration of Albany's Expenditure Plan. If you have any questions regarding the Expenditure Plan, please contact Sustainability Coordinator Elizabeth Carrade at ecarrade@albanyca.org.

Sincerely,

Nicole Almaguer
City Manager

Fiscal Year 2021-22		
Beginning Balance July 1, 2021		\$202,174
Expected Revenues	StopWaste Measure D	\$60,000
Expected Expenses	Staffing Costs	\$40,000
	Bigbelly Lease FY2021-22	\$7,000
	Bigbelly installation (staff time and materials)	\$6,000
	Misc. Annual Expenses (City hazardous waste drop-offs, City staff professional development/conferences, physical assets, special events, Green Business Program membership, etc.)	\$10,000
	SB 1383 Implementation (technical assistance, procurement, outreach)	\$45,000
Anticipated Ending Balance June 30, 2022		\$154,174
Fiscal Year 2022-23		
Expected Revenues	StopWaste Measure D	\$60,000
Expected Expenses	Staffing Costs	\$40,000
	Big Belly Lease FY2022-23	\$14,000
	Misc. Annual Expenses (City hazardous waste drop-offs, City staff professional development/conferences, physical assets, special events, Green Business Program membership, etc.)	\$10,000
	SB 1383 Implementation (technical assistance, procurement, outreach)	\$45,000
Anticipated Ending Balance June 30, 2023		\$105,174

ATTACHMENT C



November 29, 2021

Mr. Timothy Burroughs
Executive Director
StopWaste
1537 Webster Street
Oakland, CA 94612

Re: City of Dublin Measure D Expenditure Plan for Fiscal Year 2021-2022 and Fiscal Year 2022-2023

Dear Mr. Burroughs:

I have reviewed and approved the Expenditure Plan submitted on November 22, 2021 by Andrew Russell, Public Works Director. If you have any questions about this letter, please contact Michelle Sung, Environmental Technician, at (925) 833-6630.

Sincerely,

DocuSigned by:

E33836CFFC044E0...

Linda Smith

City Manager

City Council

925.833.6650

City Manager

925.833.6650

Community Development

925.833.6610

Economic Development

925.833.6650

Finance/IT

925.833.6640

Fire Prevention

925.833.6606

Human Resources

925.833.6605

Parks & Community Services

925.833.6645

Police

925.833.6670

Public Works

925.833.6630

100 Civic Plaza

Dublin, CA 94568

P 925.833.6650

F 925.833.6651

www.dublin.ca.gov



November 22, 2021

Mr. Timothy Burroughs
Executive Director
StopWaste
1537 Webster Street
Oakland, CA 94612

Re: City of Dublin Measure D Expenditure Plan for Fiscal Year 2021-2022 and
Fiscal Year 2022-2023

Dear Mr. Burroughs:

The City of Dublin's Measure D fund balance has exceeded the allowable balance by \$214,328 as established by Rule 2 of the Alameda County Source Reduction and Recycling Board (Board) Resolution #2021-2. As a result, the City of Dublin is submitting for the Board's consideration, a Measure D Expenditure Plan for Fiscal Year 2021-22 and Fiscal Year 2022-23 to detail how Dublin will reduce the Measure D fund balance to 25% below the allowable threshold.

Rule 2 established the formula for calculating the Measure D threshold for unspent funds ($\$8 \times \text{population} = \text{threshold}$). Inserting Dublin's population, as shown in the StopWaste quarterly disbursement payment, into this formula ($\$8 \times 65,716$) establishes a maximum balance of \$525,728 for the City of Dublin Measure D fund. The annual Measure D spending report submitted for Fiscal Year 2020-21 reported a fund balance of \$740,056 which equates to an exceedance of \$214,328.

Dublin City Council adopted Resolution No. 65-21 on June 1, 2021 adopting a budget for the City of Dublin for Fiscal Year 2021-22 which approved a Measure D budget of \$492,870. A summary of the City's Measure D Fund balance for Fiscal Year 2021-22 and Fiscal Year 2022-23 is shown in Table 1 below. Planned Measure D spending for the next two fiscal years will return the City of Dublin's Measure D fund balance to 25% below the allowable fund balance as established by Board Resolution #2021-2. Fiscal Year 2021-22 planned spending is shown in Table 2, and planned spending for Fiscal Year 2022-23 is in Table 3 below.

City Council
925.833.6650
City Manager
925.833.6650
Community Development
925.833.6610
Economic Development
925.833.6650
Finance/IT
925.833.6640
Fire Prevention
925.833.6606
Human Resources
925.833.6605
Parks & Community Services
925.833.6645
Police
925.833.6670
Public Works
925.833.6630

100 Civic Plaza
Dublin, CA 94568
P 925.833.6650
F 925.833.6651
www.dublin.ca.gov

Table 1: City of Dublin Measure D Fund FY 2021-22 and FY 2022-23	
Fiscal Year 2020-21 Carryover	\$740,056.42
Fiscal Year 2021-22 Estimated Quarterly Disbursements	\$192,601.88
Fiscal Year 2021-22 Estimated Interest	\$10,000.00
Estimated Total Fiscal Year 2021-22 Funds	\$942,658.30
Estimated Fiscal Year 2021-22 Spending	\$496,753.00
Estimated Fiscal Year 2021-22 Carryover	\$445,905.30
Fiscal Year 2022-23 Estimated Quarterly Disbursements	\$192,601.88
Fiscal Year 2022-23 Estimated Interest	\$10,000.00
Estimated Total Fiscal Year 2022-23 Funds	\$648,507.18
Estimated Fiscal Year 2022-23 Spending	\$290,630.00
Estimated Fiscal Year 2022-23 Carryover	\$357,877.18
Allowable Fiscal Year 2022-23 Carryover (25% below threshold)	\$394,296.00

Table 2: Fiscal Year 2021-22 Planned Measure D Spending	
Consultant support for SB 1383 related franchise agreement contract amendments and negotiations.	\$109,313
Consultant support for SB 1383 implementation assistance.	\$89,540
Green Halo database for construction and demolition debris waste tracking.	\$6,000
Recyclist or similar database for SB 1383 recordkeeping.	\$30,000
2 nd installment for ECube solar compacting three stream waste receptacles.	\$23,494
Three stream sorting containers for parks and public litter containers. Additional public compost and recycling containers to pair with trash only locations.	\$30,000
Labels and signage for public litter receptacles.	\$2,000
CivicSpark Fellow to support solid waste and recycling programs (half of the cost of the CivicSpark Fellowship).	\$14,500
Memberships, conferences, travel, mileage.	\$3,000
Disaster Debris Management Plan.	\$18,899
Carbon Sequestration Pilot Project. Cost to procure compost for the project.	\$50,000

Thirty percent or more post-consumer recycled content playground and building material for Don Biddle Community Park.	\$100,000
Reusable kits (serve ware and dishware) for new and current City employees.	\$2,000
Reusable face masks for City employees.	\$2,000
Reusable cup giveaways for Creek Cleanup Day.	\$1,570
Reusable giveaways for Dublin Pride.	\$4,000
Three stream signage for events.	\$4,119
Alameda County Green Business Program assistance.	\$2,000
EcoHero assemblies for schools to engage students in waste reduction, composting and recycling.	\$4,318
Total FY 2021-22	\$496,753

Table 4: Fiscal Year 2022-23 Planned Measure D Spending	
Consultant support for SB 1383 implementation assistance.	\$92,130
Green Halo database for construction and demolition debris waste tracking.	\$3,000
Recyclist or similar database for SB 1383 recordkeeping.	\$25,000
Three stream sorting containers for parks and public litter containers. Additional public compost and recycling containers to pair with trash only locations.	\$30,000
CivicSpark Fellow to support solid waste and recycling programs (half of the cost of the CivicSpark Fellowship).	\$14,500
Memberships, conferences, travel, mileage.	\$3,000
Carbon Sequestration Pilot Project. Cost to procure compost for the project.	\$50,000
Reusable giveaways for Creek Cleanup Day.	\$2,000
Reusable giveaways for Dublin Pride.	\$4,000

Fix It Clinic programming and technical assistance.	\$10,000
Alameda County Green Business Program assistance.	\$2,000
ReScape Rated Landscape.	\$50,000
EcoHero assemblies for schools to engage students in waste reduction, composting and recycling.	\$5,000
Total FY 2022-23	\$290,630

The City of Dublin also anticipates additional spending in Fiscal Years 2021-22, 2022-23 and thereafter as part of implementation of SB 1383. The City of Dublin's Measure D Fund balance is projected to be 25% below the allowable threshold by the end of Fiscal Year 2022-23 and remain under the threshold in future budget cycles due to new implementation requirements of SB 1383.

Thank you for your consideration of the City of Dublin's Expenditure Plan for Fiscal Year 2021-22. If you have any questions regarding this Expenditure Plan, please contact Environmental Technician Michelle Sung at Michelle.Sung@dublin.ca.gov or 925-452-2150.

Sincerely,



Andrew C. Russell,
Public Works Director

THE CITY OF



November 23, 2021

Alameda County Waste Management Authority (StopWaste)
 Timothy Burroughs, Executive Director
 1537 Webster Street
 Oakland, CA 94612

RE: City of Pleasanton FY 2021-2022 and FY 2022-2023 Measure D Expenditure Plan

Dear Mr. Burroughs:

This letter serves as the City of Pleasanton's Measure D Expenditure Plan for the two-year period beginning July 1, 2021 through June 30, 2023 and is submitted in accordance with Rule 2 of the Alameda County Source Reduction and Recycling Board Resolution #RB 2014-2. Rule 2 limits any agency's Measure D fund balance not to exceed the amount of \$8.00 multiplied by the population basis used for the first quarterly disbursement of that fiscal year. If this amount is exceeded, the agency must submit an Expenditure Plan and their Measure D funds are temporarily suspended until the Expenditure Plan is approved. At this point, the City of Pleasanton's Measure D fund balance has grown to exceed the allowable balance by \$104,964.

During fiscal year 2020/21 the impact of Covid 19 caused delays to the implementation of the prior Measure D expenditure plan. The City staff assigned to manage Measure D oversight was assigned as the staff Liaison Officer for the Emergency Operations Center (EOC) and had to prioritize workload to oversee emergency operations. While there was some progress in Measure D programming and expenditures, some of the program planning, outreach and education were put on hold and the spending goals were not met due to Covid 19.

This fiscal year, the City has an even more intentional spending plan and added a Management Analyst position and 60% of the position's time will be focused on sustainability efforts allowable by Measure D. The portion of expense to be charged to Measure D will be \$126,200 annually. In addition, over the next two years, the City will work on implementing the City's Adopted SB 1383 Action Plan. The City has retained HF&H Consultants, LLC to provide assistance in implementation efforts. The City has also procured Recyclist, the Cloud based SB1383 record keeping and reporting software. To date, \$200,000 dollars annually from Measure D has been budgeted for these contracts. The attached Expenditure Plan outlines this in more detail. With these three expenses totaling \$326,200 in addition to our currently budgeted annual Measure D expenditures of \$136,000 this will bring the City back into compliance with #RB 2014-2, Rule2.

Thank you for your consideration of Pleasanton's Measure D Expenditure Plan. If you have any questions regarding the Expenditure Plan, please contact Management Analyst, ZeeLaura Page at zpage@cityofpleasantonca.gov or 925-931-5012.

P. O. Box 520, Pleasanton, CA 94566-0802

123 Main Street

City Manager
 (925) 931-5002
 Fax: 931-5482

City Attorney
 (925) 931-5015
 Fax: 931-5482

Economic Development
 200 Old Bernal Avenue
 (925) 931-5038
 Fax: 931-5476

City Clerk
 (925) 931-5027
 Fax: 931-5492

Sincerely,



Nelson Fialho
City Manager

Attachment: City of Pleasanton Measure D Expenditure Plan FY 21-22 through 2021-23

Measure D Expenditure Plan Fiscal Years 2021-22 through 2021-23

Fiscal Year	Expenses	Measure D Revenue*	Fund Balance Reduction	Remining Fund Balance
2021-22	\$462,200	\$240,000	\$222,200	\$518,476
2022-23	\$462,200	\$240,000	\$222,200	\$296,276

* Estimated Revenue

Fiscal Year 2021-22 Status Update

Fund Balance: \$740,676

Total Budgeted: \$462,200

Actual expended as of 11/10/21: \$166,713

Estimated Measure D Revenues: \$240,000

Target Fund Balance (25% below threshold): \$476,786

The anticipated Measure D revenue for this fiscal year 2021-22 is \$240,000 and expenses are at 36% of the anticipated revenue. There is \$295,487 remaining to be expended this fiscal year and with the remaining 7 months and the projects planned, we believe the funds will be expended. We expect to exceed the requirement in FY2022-23 by reducing the fund balance to \$296,276 which is below the target threshold.

Below in table 1 is a description of expenses, what was budgeted for each expenditure, and the amount that has currently been expended as of November 10, 2021.

Table 1.

Description	Budgeted	Expended as of 11/10/21
Contracts with HF&H – Organics Disposal contract procurement, SB 1383 Implementation Project, as needed technical assistance and a contract with Recyclist for record keeping	\$200,000	\$108,138
SB 1383 Implementation – This project is underway. City Staff and Hf&H created SB 1383 Action Plan which was adopted by the Pleasanton City Council in July 2021. Staff and HF&H are working on implementing the Action Plan. Items include: SB 1383 Ordinance, Purchasing Policy, and Franchise Negotiations related to SB 1383.		
In addition, HF&H provides Technical assistance as need as it relates to the Franchise Agreement and Rate adjustments.		
Description	Budgeted	Expended as of 11/10/21
Contract with Go Green Initiative	\$50,000	\$50,000
Local Leaders of the 21 st Century Program – offered at both high schools in Pleasanton, the students learn about 4 key systems: energy, water, waste, and food. Students learn where our resources come from and where they go, infrastructure: current and future needs, and how public policy affects our resources.		

SB 1383 Implementation efforts – students from the Local Leaders and the Summer Intern program along with Go Green staff are assisting the City in implementation efforts for SB 1383. They are assisting with outreach and education with a focus on Single Family customers and the community at large through providing workshops, tabling at the farmers market, social media and print campaign.		
Description	Budgeted	Expended as of 11/10/21
Misc. Supplies and Equipment	\$50,000	\$1,567
Events - Earth Day, HHW event at fairgrounds, Outreach Event for Commercial Clients Internal City recycling efforts - k-cup recycling, water lab equipment recycling, pen recycling, and Reusable coffee cups Pilot Project at Pleasanton Senior Center.		
Description	Budgeted	Expended as of 11/10/21
Advertising and Printing	\$36,000	\$0
We will be incurring costs for Advertising in the spring for Earth Day, HHW event and ad to inform residents about recycling. We are also planning to create new residential and commercial brochure for recycling.		
Description	Budgeted	Expended as of 11/10/21
Staffing	\$126,200	\$44,602
60% of a full time Management Analyst		

Table 2.

Fiscal Year 2021-22 and Fiscal Year 2022-23

Total Budgeted: \$462,200 each year

Description	Budgeted
60% of a Management Analyst Position	\$126,200
Description	Budgeted
Contracts HF&H – SB 1383 Implementation Project, as needed technical assistance and Recyclist for record keeping	\$200,000
Description	Budgeted
Contract with Go Green Initiative	\$50,000
Description	Budgeted
Misc. Supplies and Equipment	\$50,000
Description	Budgeted
Advertising and Printing	\$36,000

In summary, for fiscal year, 2021-22 and 2022-23 the City will be allocating 60% of a full time Management Analyst to Measure D. In addition, the City is working with consultant HF&H on the SB 1383 implementation plan and anticipate that some additional staffing may be hired and portions of their salary, as appropriate, may be charged to Measure D.

As demonstrated in the tables above, if the estimated Measure D Revenue for each year is about \$240,000, the City is planning to spend \$462,200, which will reduce the fund balance by \$444,400 over the two-year period.

DATE: December 9, 2021
TO: Recycling Board
FROM: Meri Soll, Senior Program Manager
SUBJECT: Five-Year Programmatic Audit – Award of Contract

SUMMARY

Staff is requesting Recycling Board approval to amend an existing contract with Crowe LLP (Five Year Financial Audit) to conduct the Five-Year Measure D Programmatic Audit for Fiscal Years 16-17 to 20-21. Crowe LLP was selected via a competitive RFP to conduct the Financial Audit for Fiscal Years 16-17 to 20-21. Having the same vendor perform both portions of the audit will make for a more efficient process and save time for both StopWaste and member agency staff, while also adhering to Measure D audit requirements.

DISCUSSION

Subsection 64.040 (C) of the Alameda County Waste Reduction and Recycling Initiative Charter Amendment (Measure D) mandates a comprehensive financial, statistical, and programmatic audit and analysis to be performed within four years of the effective date of the Act and every five years thereafter to monitor and report on Measure D compliance.

Requirements per Measure D for the Programmatic Audit are:

- A narrative containing information and an analytical evaluation of all recycling programs within Alameda County, whether funded through Measure D or not, both Alameda County-wide and within each municipality
- A statistical measure of the progress toward the recycling policy goal then in effect
- Recommendations to the Recycling Board, the Board of Supervisors, the Authority and the municipal governing bodies for the maintenance and expansion of recycling programs and any necessary resulting amendment to the Recycling Plan based on these recommendations

The programmatic element of the Five-Year Audit occurs every five years; the Programmatic Audit for fiscal years 16-17 to 20-21 is due to commence in early 2022, the same timing as Phase II of the Financial Audit that covers Fiscal Years 19-20 and 20-21. (The financial audit occurs in two phases – a three-year phase and a two-year phase – so as to make audits and the review of municipalities' records less onerous and less staff-time-intensive).

Much of the analysis to be conducted by Crowe as part of Phase II of the Financial Audit will coincide with the Programmatic Audit scope of work. Crowe has the capacity to conduct programmatic audit activities with member agency staff in parallel with Phase II of the Financial Audit. To alleviate redundant work for both member agency and StopWaste staff, staff recommends contracting with Crowe for the programmatic elements in addition to their contracted Five-Year Audit Phase II Financial Audit scope of work. This would be the most resource efficient approach to conducting the required programmatic element of the audit.

Crowe's proposal (Attachment A) to conduct the programmatic audit is \$42,000, less than half the cost of the previous Five-Year programmatic audits due to resource efficiencies and knowledge of member agency staff and programs. The funding for the programmatic element of the audit is fully budgeted as part of the FY 21-22 budget.

Although the \$42,000 amendment is within the Executive Director's signing authority, Crowe has recently been selected via a separate RFP process to perform a fund balance/reserve analysis for the Agency. The contract award to Crowe of \$35,465 for the fund balance/reserve analysis has been approved under the Executive Director's signing authority and is due to commence December 1, 2021. The \$35,465 fund balance/reserve contract combined with the \$42,000 proposed programmatic audit amendment exceeds the Executive Director's signing authority of \$50,000 and therefore additional spending authorization by the Recycling Board is required.

RECOMMENDATION

Authorize the Executive Director to amend the current Crowe LLP financial audit contract of \$89,682.50 by \$42,000 (for a not to exceed amount of \$131,682.50) to perform the Measure D required programmatic audit for Fiscal Years 16-17 to 20-21.

[ATTACHMENT A](#) – Crowe LLP Proposal to conduct Programmatic Five-Year Audit

October 27, 2021

Meri Soll
Senior Program Manager
StopWaste
Alameda County Waste Management Authority
Alameda County Source Reduction and Recycling Board
1537 Webster Street
Oakland, CA 94612

Subject: **Five Year Program Review (Fiscal Years 2016/17 through 2020/21)**

Thank you for considering Crowe LLP (Crowe) to conduct the Five-Year Program Review for the Alameda County Source Reduction and Recycling Board (StopWaste or Recycling Board). Crowe will leverage our extensive performance auditing experience in addition to the direct experience gained through performing the prior three (3) five-year financial and compliance audits for the Recycling Board covering FY 06/07 to FY 20/21¹. In these prior audits, we incorporated a program performance component that overlapped with some requirements of the programmatic review such as progress toward meeting diversion goals. We have in-depth knowledge of the member agencies, and their activities and programs as reported through the annual Measure D reports. This review would be provided under Crowe's Service Contract with the Recycling Board, effective date 3/27/2020. This letter proposal is organized into four sections as follows:

- A. *Project Scope, Objectives and Approach*
- B. *Detailed Tasks and Subtasks*
- C. *Project Timeframe*
- D. *Project Fees.*

A. Project Scope, Objectives and Approach

The Recycling Board is required to have an independent auditor conduct a five-year program review to determine compliance with the Recycling Plan and progress towards recycling goals. The Alameda County Waste Reduction and Recycling Act of 1990 (Measure D) allows flexibility to combine the financial and compliance audit with the programmatic review, which collectively have the following requirements:

The Recycling Board shall contract, not more than four (4) years after the effective date of this Act, and then every five (5) years thereafter, for an audit to determine compliance with the Recycling Plan and the degree of progress toward the recycling policy goal then in effect. Said audits shall be conducted by an independent auditor (or auditors) with experience in source reduction and recycling. The reports of said audits shall be completed within one (1) year and issued to each municipality, the Board of Supervisors and the Authority. Said reports shall include at least the following:

¹ In process of conducting financial and compliance audit for fiscal years 19/20 and 20/21.

1. ***A narrative and analytical evaluation of all recycling programs within Alameda County, whether funded through this Act or not, both Alameda County-wide and within each municipality;***
2. ***A statistical measure of the progress toward the recycling policy goal then in effect;***
3. *An evaluation of the Recycling Board's activities, including, but not limited to, an accounting of the monies spent by the Recycling Board; and*
4. ***Recommendations to the Recycling Board, the Board of Supervisors, the Authority and the municipal governing bodies for the maintenance and expansion of recycling programs, and any necessary resulting amendments to the Recycling Plan.***

For this programmatic review, we will focus on the bolded items (#1, #2, and #4). Leveraging a similar approach to the financial and compliance audit, **Exhibit 1** provides the five (5) tasks we propose to meet the requirements for the programmatic review.

Exhibit 1 Proposed Project Tasks

Project Tasks
A. Perform Project Management
B. Review Recycling Board and Alameda County Recycling Program Activities
C. Review Municipalities Recycling Program Activities
D. Prepare Preliminary Review Results and Recommendations
E. Present Preliminary Review Results and Recommendations

Task A. Perform Project Management

Crowe believes that strong communication between the client and consultant is essential to a successful project. Our project management approach thus involves frequent telephone and/or e-mail contact with our clients to discuss progress and potential issues/problems. We will meet with the Recycling Board project management team as soon as the contract is awarded to “kick-off” the project. An important aspect of this task will be to develop the letter for municipalities requesting review materials. We will request and obtain relevant documentation available from the Recycling Board, which includes the following for the fiscal year 2016/17 through 2020/21 review period:

- Approved recycling plan and amendments
- Annual Measure D Reports
- CalRecycle Electronic Annual Reports (EAR)
- Other progress reports provided to the Recycling Board (if applicable)
- Results of prior programmatic reviews
- Results of prior waste characterization studies.

Much of the requested documentation should be available through StopWaste’s Measure D online portal where member agencies submit required reports to StopWaste on an annual basis.

Task B. Review Recycling Board and Alameda County Recycling Program Activities

This task includes the County-level program review components. This five-year review period essentially covers two recycling plans, the first plan called *Vision 2010: 75% and Beyond* (revised 2006) and supplemented with the *Strategic Workplan 2020* (July 2010) covering fiscal years 2016/17 through the first half of 2020/21 and the second plan called *Beyond 75% Diversion: A Plan for Landfill Obsolescence* (December 2020) covering the second half of 2020/21. Per the 2010 recycling plan, the goal was to reach 75 percent diversion by 2020. For this plan through 2020, we will compare actual diversion levels with the 75 percent goal. Per the 2020 recycling plan (current plan), the goal is to achieve landfill obsolescence by 2045. Since our review period will only reflect the very beginning of the current plan, we will focus on the transition from targeting diversion rates to landfill obsolescence, which may be more qualitative in nature. Additionally, as required by Measure D, the Recycling Board funds a series of studies and programs, which include the following:

1. Source Reduction Program
2. Recycled Product Market Development Program
3. Analysis and Review of Waste Characterization Studies
4. Residential Recycling Programs
5. Commercial Recycling Programs
6. Recycled Product Purchase Preference Program.

Exhibit 2 summarizes the program areas that we will focus on during this project. Items 4 to 6, residential and commercial recycling program, and the Recycled Product Purchase Preference Program are not included as it is reviewed within the scope of the Financial and Compliance audit. During Phase I of the Financial and Compliance audit, StopWaste provided a listing of activities partially or wholly funded by Measure D. We will request supporting documentation of a sample of the listed activities. The programmatic review will also assess the status of recycling programs and activities that are funded by other sources such as fees generated from AB 939.

Exhibit 2
Recycling Board Programmatic Compliance Areas for Review

Program Areas	Program Summary	Related Measure D Subsection
1. Source Reduction Program	<ul style="list-style-type: none"> A. County waste minimization program with a goal of reducing the weight of County paper purchases B. Annual non-monetary award program for business demonstrating significant waste reductions C. Industry and/or university research program D. Intensive public education campaign E. Disposal cost reduction studies and waste audit services that demonstrate recycling program efficacy to business and institutions. 	64.080
2. Recycled Product Market Development Program	<ul style="list-style-type: none"> A. Regional cooperative marketing strategy B. Demonstration projects targeted at new uses and new recycling techniques (via grants) C. County-wide information exchange targeting uses and source of recycling products D. Municipal programs to administer permit assistance to recycling industries. 	64.110
3. Analysis and Review of Waste Characterization Studies	<ul style="list-style-type: none"> A. Estimates of refuse and recycling generation, by member agency. 	64.060(C)

Task C. Review Municipalities Recycling Program Activities

The programmatic review will include the sixteen (16) municipalities, listed below:

- | | | |
|---------------|----------------|---------------------------------------|
| 1. Alameda | 7. Hayward | 13. San Leandro |
| 2. Albany | 8. Livermore | 14. Union City |
| 3. Berkeley | 9. Newark | 15. Castro Valley Sanitation District |
| 4. Dublin | 10. Oakland | 16. Oro Loma Sanitation District |
| 5. Emeryville | 11. Piedmont | |
| 6. Fremont | 12. Pleasanton | |

For each municipality, we will catalogue programmatic efforts, and measurements towards diversion, source reduction, and reuse. We will then perform interviews to evaluate potential gaps among recycling programs and activities to determine if performance is measured consistently. We will request supporting documentation that provides evidence of activities and related measurements. Requests for additional supporting documentation will be performed on a case-by-case basis. We will follow a uniform review procedure for each municipality; however, from our experience we will likely spend more time reviewing larger municipalities. Once we have sent out the review notification letters, we will contact each municipality to discuss the upcoming review, answer questions, and schedule the review date(s). The Crowe team will extract available documentation from the online reporting portal. We will conduct telephone interviews, group facilitated sessions, or other agreed upon methods with the appropriate municipality staff to clarify programmatic documents and request potentially missing documentation. We will use a review

protocol so that we perform consistent steps across all municipalities. The interviews will occur in parallel with the Financial and Compliance audit to ensure efficient use of time. Should we find cases of non-compliance, we will discuss our concerns with the municipality, and identify tools to improve compliance going forward. We will compile review workpapers for each municipality, which we will utilize in preparing the preliminary and final reports.

Task D. Prepare Preliminary and Final Review Results and Recommendations

Following the completion of Task C, we will compile preliminary results and develop recommendations for improvements. We will meet with Recycling Board project management to present our preliminary results and discuss recommendations that could be implemented. Upon reviewing and addressing feedback, we will prepare final results and recommendations. We will provide the Recycling Board with a Draft Final Report, meet with project management to discuss the draft, and then prepare a Final Five-Year Programmatic Review Report. This Five-Year Programmatic Review Report ultimately will be combined with the Financial and Compliance audit report.

Task E. Present Preliminary and Final Review Results and Recommendations

We will prepare a PowerPoint presentation that summarizes findings and recommendations. We will be available to present both preliminary and final review results to the Recycling Board at their regular meetings. The presentation will provide a high-level overview of our procedures and approach, findings, and recommendations. The final Programmatic Review results and recommendations will be combined with the Financial and Compliance audit results and recommendations.

B. Detailed Tasks and Subtasks

Exhibit 3 provides a detailed graphical overview of our proposed work plan, including 5 major tasks, and 27 subtasks, as well as the project deliverables and milestones for each task. Dates in Exhibit 3 assume a project start date of December 15, 2021.

Exhibit 3

Work Plan Tasks, Subtasks, Deliverables and Milestones Five Year Program Review

Page 1 of 4

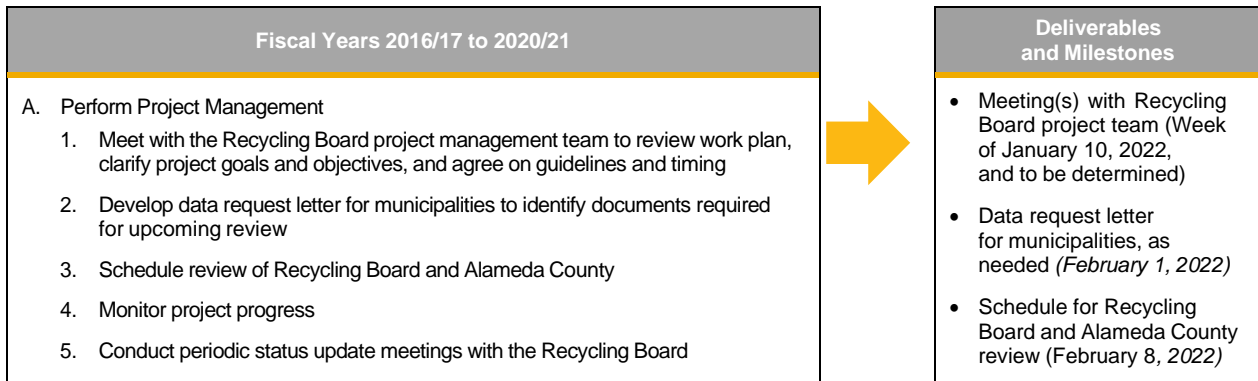


Exhibit 3
Work Plan Tasks, Subtasks, Deliverables and Milestones
Five Year Program Review (continued)

Page 2 of 4

Fiscal Years 2016/17 to 2020/21	Deliverables and Milestones
<p>B. Review Recycling Board and Alameda County Recycling Program Activities</p> <ol style="list-style-type: none"> 6. Meet with Recycling Board staff to obtain appropriate programmatic documentation 7. Review listing of activities of the Recycling Board and Alameda County for fiscal years 2016/17, 2017/18, 2018/19, 2019/20, and 2020/21 8. Evaluate progress towards the 75 percent diversion goal by 2020 for fiscal years 2016/17 to the first half of 2020/21 9. Evaluate transition to the current goal of landfill obsolescence by 2045 starting the second half of fiscal year 2020/21 10. Evaluate source reduction program activities for progress towards diversion goals (Subsection 64.080), which may include, but may not limited to the following: <ol style="list-style-type: none"> a. Disposal cost reduction studies b. Waste audit services c. Bay friendly landscaping d. Food waste prevention workshops and campaigns e. Commercial organics contamination study f. Environmental educator training g. Reusable transport packaging campaign. 11. Evaluate recycled product market development requirements for progress towards diversion goals (Subsection 64.110), which may include, but may not limited to the following: <ol style="list-style-type: none"> a. County-wide information exchange targeting uses and source of recycling products b. Bay Friendly Landscaping and Bay Friendly Gardening promoting recycled content mulch and composting c. Comprehensive multi-media campaign d. Food scraps recycling campaign e. Regional used oil recycling campaign f. Ready Set Recycle campaign. 12. Evaluate waste characterization studies to determine how study results are utilized towards diversion goals (Subsection 64.060(C)) 13. Identify tools to improve progress towards forward-looking diversion goals and/or performance measurements, if required 14. Compile workpapers 	<ul style="list-style-type: none"> • Meetings with Recycling Board and Alameda County Waste Management Authority staff <i>(to be determined)</i> • Review of Recycling Board and Alameda County <i>(April 29, 2022)</i> • Completed review workpapers <i>(April 29, 2022)</i>

Exhibit 3.
Work Plan Tasks, Subtasks, Deliverables and Milestones
Five Year Program Review (continued)

Page 3 of 4

Fiscal Years 2016/17 to 2020/21	Deliverables and Milestones
<p>C. Review Municipalities Recycling Program Activities</p> <ol style="list-style-type: none"> 15. Schedule review date(s) (in conjunction with Financial and Compliance audit) with each of the 16 jurisdictions 16. Confirm online availability of requested documentation at the time of the review date(s) 17. Review municipality Measure D Annual Reports and CalRecycle Electronic Annual Reports, program descriptions, and other relevant documentation for each of the five fiscal years (representing over 150 reports) 18. For each municipality, catalogue programmatic efforts, and measurements towards diversion, source reduction, or reuse for each of the five fiscal years. Example programmatic efforts that may include, but not limited to the following: <ol style="list-style-type: none"> a. Construction and Demolition Ordinance b. Civic Bay Friendly Landscaping c. Civic Green Building d. Environmental Preferable Purchasing Policy e. Residential Food Waste Collection f. Commercial Food Waste Collection 19. Using catalogued programmatic data, evaluate progress towards diversion goal 20. Conduct interviews via telephone or webinar to review potential gaps among recycling programs and activities such as whether performance towards diversion, source reduction, or reuse is measured consistently; this may require requests for additional supporting documentation if not clearly documented within submitted reports 21. Identify tools to improve compliance, as needed, for municipalities with compliance issues 22. Compile review workpapers for each municipality 	<ul style="list-style-type: none"> • Review for each of 16 jurisdictions (<i>February 2022, through April 2022</i>) • Completed review workpapers for each of 16 jurisdictions (<i>February 2022, through April 2022</i>)

Exhibit 3
Work Plan Tasks, Subtasks, Deliverables and Milestones
Five Year Program Review (continued)

Page 4 of 4

Fiscal Years 2016/17 to 2020/21	Deliverables and Milestones
<p>D. Prepare Preliminary Review Results and Recommendations</p> <p>23. Compile programmatic review results from Tasks B and C</p> <p>24. Develop a list of recommendations</p> <p>25. Meet with Recycling Board project management to discuss preliminary findings and recommendations</p>	<ul style="list-style-type: none"> • Review Recommendations (<i>June 15, 2022</i>) • Draft Final Programmatic Review Report (<i>June 30, 2022</i>) • Meeting with Recycling Board project management (<i>July 2022</i>) • Final Phase I Review Report (<i>July 29, 2022</i>)
<p>E. Present Preliminary Review Results and Recommendations</p> <p>26. Develop presentation materials for the programmatic review</p> <p>27. Present review results and recommendations to the Recycling Board</p>	<ul style="list-style-type: none"> • Presentation materials for preliminary programmatic review results (<i>July 2022</i>) • Participation in Recycling Board meeting (<i>July 2022</i>)

C. Project Timeline

As mandated in Measure D, an independent audit of the Recycling Board shall be completed within one (1) year (of the close of the five-year period). To meet this requirement, building off Crowe's methodology described above, this section summarizes the proposed project timeline.

Our project timeline is summarized in **Exhibit 4**. We expect to complete the project by July 29, 2022. Our proposed timeline is directly dependent on a December 15, 2021 project start date. To complete the project within the proposed timeframe, we assume that member agencies and Recycling Board staff will submit all information necessary to complete our analysis and will respond to our requests for information, interviews, and deliverable reviews in a timely manner. We also assume that the Recycling Board staff performs their review of the draft report within two weeks of receiving the deliverable from Crowe. The Crowe team will be available to meet with the Recycling Board, and the Recycling Board staff, as appropriate during the project.

Exhibit 4
Project Timeline
Five Year Program Review

Project Tasks	Estimated Start Date	Estimated Completion Date
A. Perform Project Management	December 15, 2021	July 29, 2022
B. Review Recycling Board and Alameda County Recycling Program Activities	February 1, 2022	April 29, 2022
C. Review Municipalities Recycling Program Activities	February 1, 2022	April 29, 2022
D. Prepare Final Review Results and Recommendations	May 2, 2022	July 29, 2022
E. Present Final Review Results and Recommendations	June 1, 2022	July 29, 2022

Crowe has adopted strategies for seamlessly providing our services during the current Covid-19 environment. Based on the current operating environment and our ability to use technologies to deliver services (e.g., Zoom), we do not envision that our delivery schedule will be materially impacted by Covid-19. Should circumstances change, we will immediately inform the StopWaste project manager and determine a mutually agreeable course of action.



Meri Soll, Senior Program Manager
StopWaste
October 27, 2021

Page 11

D. Project Fees

This section presents our cost proposal to conduct the five-year financial and compliance audit for the Recycling Board. The cost proposal is presented in **Exhibit 5**. Our proposed fees to conduct the five-year programmatic review are is **\$42,620**.

This bid corresponds to a total of 241 hours of consulting time. We are confident that we can complete the project in these budgeted hours, given the prior experience of the core staff proposed and the seniority of the team.

Hourly rates of our consultant staff are as follows:

- Executive/Director/Specialist Level \$245 per hour
- Project Manager Level \$210 per hour
- Senior Auditor Level \$185 per hour
- Staff Auditor Level \$145 per hour.

Our professional fees include all out-of-pocket expenses (e.g., travel and work processing). Crowe will bill the Recycling Board monthly, in arrears, for our services.

We expect that the monthly billings will be relatively evenly spread throughout the period of time that we will be actively working on the project. The project budget would be spread roughly over an approximately six-month period, at approximately \$7,000 per month. Our project team will be mobilized to work diligently and efficiently to complete the work required.

As part of this project, we assume that StopWaste agrees to be responsible to make all management decisions and perform all management functions; designate an individual who possesses suitable skill, knowledge, and/or experience, preferably within senior management to oversee our services; evaluate the adequacy and results of the services performed; and accept responsibility for the results of the services.

The information used for this project will be based on assumptions, estimates, and other data developed by Crowe from information provided by member agencies, knowledge of and participation in other studies, data supplied by StopWaste, and other sources deemed to be reliable.

Our analyses and work product are intended for the benefit and use of StopWaste. This engagement was not planned or conducted in contemplation of reliance by any other party and is not intended to benefit or influence any other party. Therefore, items of possible interest to a third party may not be specifically addressed or matters may exist that could be assessed differently by a third party.

Crowe's fees are not dependent upon the outcome of this report and Crowe is independent with respect to any other economic interests.

* * * * *



Meri Soll, Senior Program Manager
StopWaste
October 27, 2021

Page 12

We look forward to the opportunity to assist StopWaste with this program review. Please do not hesitate to contact Mendi Julien (916) 492-5177, or at Mendi.Julien@crowe.com or Erik Nylund at (415) 230-4963, or at Erik.Nylund@crowe.com should you have any questions regarding this proposal or our qualifications to serve you.

Sincerely,

A handwritten signature in blue ink that reads "Lisa M Voeller".

Lisa Voeller, Partner-Principal
Crowe LLP
400 Capitol Mall, Suite 1400
Sacramento, California 95814-4434
Direct 916.492.5133
Tel 916.441.1000



Meri Soll, Senior Program Manager
StopWaste
October 27, 2021

Page 13

**Exhibit 5
Crowe Hours and Fees**

	Executive/Director/ Specialist	Project Manager	Senior Auditor	Staff Auditor
Hourly Rate	\$245	\$210	\$185	\$145

Project Task	Executive/ Director/ Specialist	Project Manager	Senior Auditor	Staff Auditor	Hours	Costs
A. Perform Project Management	1	6	-	-	7	\$1,505
B. Review Recycling Board and Alameda County Recycling Program Activities	2	10	32	16	60	\$10,830
C. Review Municipalities Recycling Program Activities	2	12	50	54	118	\$20,090
D. Prepare Preliminary Review Results and Recommendations	4	5	24	14	47	\$8,500
E. Present Preliminary Review Results and Recommendations	1	2	4	2	9	\$1,695
Project Total	10	35	110	86	241	\$42,620