

**APPROVED**

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

**Wednesday, January 22, 2014**

**3:00 p.m.**

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

**(The Boards will vote separately on the portion of the minutes that are relevant to each Board)**

**I. CALL TO ORDER**

President Biddle, WMA, called to meeting to order at 3:05 p.m.

**II. ROLL CALL**

**WMA & EC**

County of Alameda	Keith Carson
City of Alameda	Lena Tam
City of Albany	Peter Maass
City of Berkeley	Gordon Wozniak
Castro Valley Sanitary District	Dave Sadoff
City of Dublin	Don Biddle
City of Emeryville	Jennifer West
City of Hayward	Barbara Halliday (arrived 3:10 P.M.)
City of Newark	Luis Freitas (left 4:10 p.m.)
City of Oakland	Dan Kalb
City of Piedmont	Garrett Keating
Oro Loma Sanitary District	Laython Landis
City of Pleasanton	Jerry Pentin
City of San Leandro	Pauline Cutter
City of Union City	Lorin Ellis

**Absent:**

City of Fremont	Anu Natarajan
City of Livermore	Laureen Turner

**Staff Participating:**

Gary Wolff, Executive Director  
Tom Padia, Recycling Director  
Richard Taylor, Counsel, Authority Board  
Arliss Dunn, Clerk of the Board

**Others Participating:**

Evan Edgar, California Compost Coalition  
Arthur Boone, Former Recycling Board Member  
Amy Willis, ILWU  
Fred Pecker, ILWU

**III. ANNOUNCEMENTS BY THE PRESIDENTS**

Mr. Wolff shared an informative and humorous sign posted by Milwaukee County, Wisconsin airport, and commented that it was good to experience a government agency doing its job, pleasantly.

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

- 1. Approval of the Draft December 18, 2013 (WMA & EC-Separate Votes) (Gary Wolff) Action**
- 2. Castro Valley Sanitary District's (CVSan's) 75th Anniversary Action**  
Adopt the Resolution attached. And celebrate all our member agency's successes.
- 3. Grants Under \$50,000 (Gary Wolff) Information**

Ms. Tam made the motion to approve the Consent Calendar for the WMA Board with the correction noted below. Mr. Wozniak seconded and the motion carried 17-0 (Halliday, Natarajan, and Turner absent).

Mr. Ellis made the motion to approve the Consent Calendar for the Energy Council with the correction noted below. Ms. Cutter seconded and the motion carried 14-0 (Halliday and Natarajan absent).

Correction: Ms. Sadoff was present at the December 18, 2013 meeting not Mr. Akagi as indicated

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

Evan Edgar provided public comment on stopping the ADC fraud in California. He cited a report by StopWaste in June 2012 which indicates misreporting of other waste. Arthur Boone provided public comment and stated his support for Mr. Edgars comment. He further stated that he is working on a position paper for the Northern California Recycling Association which he plans to distribute at the California Composting Council conference in Oakland later this month. Mr. Boone stated on behalf of the Sierra Club Zero Waste Committee his commendation to the city of Fremont for their support for competitive wages for recycling workers. Mr. Boone stated that fees for HHW should be assessed at landfills and disagrees with the proposed HHW fee on households. Mr. Boone finally disagreed with the City of Berkeley Mayor's comments that recycling and composting are cadillac services. Amy Willis and Fred Pecker, ILWU and the Campaign for Sustainable Recycling in Alameda County provided public comment expressing concern with the wages and benefits of the recycling workers, and also commended the city of Fremont for their work with BLT Transfer station in approving a small rate increase in order to provide sustainable wages for their recycling workers. Ms. Willis encouraged the City of Oakland to follow Fremont's example when renegotiating the city's franchise agreement. She further commended Councilmember Kalb and Councilmember Gallo for leading this effort in Oakland.

**ADJOURNED TO CLOSED SESSION AT 3:25 PM**

**CLOSED SESSION (WMA only):**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code Section 54957) – Title: Authority Counsel

There was nothing to report from the closed session.

**CLOSED SESSION (WMA only):**

CONFERENCE WITH LEGAL COUNSEL – SIGNIFICANT EXPOSURE  
TO LITIGATION Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code  
Section 54956.9

There was nothing to report from the closed session.

**VI. REGULAR CALENDAR (WMA only)**

- 1. Possible Changes to the HHW Funding Decision Process (Gary Wolff) Action**  
Provide direction to staff, if any.

During open session, Mr. Wolff introduced Resolution 2014-02, an amendment to the Procedures Resolution 2013-06 adopted December 18, 2013. He did so to correct de-duplicating errors made by the

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mailing house conducting the mailing of the HHW notification letters. The amendments include extending the second reading date and proposed adoption of the HHW ordinance to the March 26, 2014 meeting and extending the deadline for mailed or hand delivered protests to the fee. Public testimony and protests will be accepted at the regular meeting on February 26th as well as the public hearing on March 26th. Staff will mail a supplemental notification to all residential property owners potentially subject to the fee, informing them of the new hearing date and protest deadlines. A copy of Resolution 2014-02 is available here: [http://www.stopwaste.org/docs/amendment\\_to\\_res\\_2013-06.pdf](http://www.stopwaste.org/docs/amendment_to_res_2013-06.pdf)

Mr. Wozniak made the motion to accept the staff recommendation. Mr. Pentin seconded and the motion carried 18-0 (Natarajan and Turner absent).

- 2. Extension of the Operating Period in a Diversion Agreement (Gary Wolff) Action**  
Authorize the Executive Director to extend the operating period in the Agreement (Attachment A) for two years, subject to approval as to form by Authority General Counsel.

Mr. Wolff provided an overview of the staff report. The report is available here: <http://www.stopwaste.org/docs/01-22-14-diversion.pdf>

Ms. West inquired if incentive payments contained in our agreement with Waste Management provides the opportunity to discuss a living wage. Mr. Wolff stated that we would have to re-negotiate the entire contract, but that the remaining amount of money under this contract is not significant enough to leverage the ILWU recycling workers contract enough to make a difference and he therefore does not recommend approaching this issue through this agreement. Mr. Padia added the materials targeted are generally high volume, low value materials that are used for pad building or road building and not sold on the open market.

Mr. Landis made the motion to approve the staff recommendation. Mr. Pentin seconded and the motion carried 17-0 (Freitas, Natarajan and Turner absent).

- 3. WMA Vacancy on the Recycling Board (Gary Wolff) Action**  
Fill the vacancy on the Recycling Board.

Mr. Pentin indicated that he would like to serve on the Recycling Board. Ms. Cutter made the motion to appoint Mr. Pentin as the WMA representative to the Recycling Board. Ms. West seconded and the motion carried 17-0 (Freitas, Natarajan, and Turner absent).

- 4. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) Action**  
(P&O and Recycling Board meeting - February 13 at 7:00 p.m. - San Leandro Library, 300 Estudillo Ave., San Leandro)

Mr. Wozniak requested an interim appointment for the February 13 meeting. Ms. Cutter volunteered to attend as the interim appointment. Ms. West made the motion to approve the interim appointment. Mr. Ellis seconded and the motion carried 17-0 (Freitas, Natarajan, and Turner absent).

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

Mr. Wolff previewed a copy of the new Benchmark report. The report will be mailed to the public tomorrow and copies will be provided to the TAC members upon request. At both committee meetings next month, staff will provide a memo regarding diversion measurement issues, including the number of samples collected so far, some high-level results, and a discussion of measurements that might be even more useful in the future.

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

The meeting adjourned at 4:20 p.m.