

APPROVED

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

Wednesday, March 25, 2015

3:00 p.m.

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

I. CALL TO ORDER

President Pauline Cutter (WMA & EC), called the meeting to order at 3:00 p.m.

II. ROLL CALL

WMA & EC

County of Alameda	Keith Carson, WMA, EC (left 3:50 pm)
City of Alameda	Trish Spencer, WMA, EC
City of Albany	Peter Maass, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC (left 4:30 pm)
City of Dublin	Don Biddle, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC
City of Fremont	Suzanne Lee Chan, WMA, EC
City of Hayward	Greg Jones, WMA, EC
City of Livermore	Laureen Turner, WMA (left 4:30 pm)
City of Newark	Luis Freitas, WMA, EC (left 4:15 pm)
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA (left 4:50 pm)
City of Piedmont	Tim Rood, WMA, EC
City of Pleasanton	Jerry Pentin, WMA (left 4:50 pm)
City of San Leandro	Pauline Cutter, WMA, EC
City of Union City	Lorrin Ellis, WMA, EC (left 4:00 pm)

Absent:

Castro Valley Sanitary District	Dave Sadoff, WMA
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Staff Participating:

Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director
Karen Kho, Senior Program Manager
Debra Kaufman, Senior Program Manager
Richard Taylor, Counsel, Authority Board
Arliss Dunn, Clerk of the Board

Others Participating:

Richard Mauck, Consultant, Hayward Transfer Station

III. ANNOUNCEMENTS BY THE PRESIDENT

There were none.

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IV. CONSENT CALENDAR (WMA, EC & RB)

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| 1. | Approval of the Draft Minutes of February 25, 2015 (WMA & EC-Separate Votes) (Gary Wolff) | Action |
| 2. | Minutes of the February 17, 2015 Technical Advisory Group (TAG) (EC only) (Gary Wolff & Wendy Sommer) | Information |

Board member Freitas made the motion to approve the Consent Calendar for the WMA Board. Board member Turner seconded and the motion carried 19--0 (Sadoff absent).

Board member Ellis made the motion to approve the Consent Calendar for the Energy Council. Board member Maass seconded and the motion carried 18-0.

V. OPEN PUBLIC DISCUSSION (WMA & EC)

Augustine Ramirez, ILWU, thanked the cities of Fremont, Newark, Union City, Hayward and Oakland for adopting the new wage and benefits standard for recycling and transfer station workers. Mr. Ramirez added, in October 2014, the union organized at ACI in San Leandro and working alongside City Officials was able to adopt the new wage and benefits standard for ACI recycling and transfer station workers. Mr. Ramirez encouraged the Board to continue supporting efforts to maintain the wage standard for recycling and transfer station workers throughout the region.

VI. REGULAR CALENDAR (WMA, EC & RB)

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| 1. | CoWIMP Amendment Ordinance 2015-01, Factual Changes, Second Reading & Adoption (WMA only) (Gary Wolff & Debra Kaufman) | Action |
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It is recommended that the Authority conduct the second reading at the March 25th 2015 meeting and adopt Ordinance 2015-01 (attached) to make factual changes to the Countywide Integrated Waste Management Plan.

Debra Kaufman provided a summary of the staff report. The report is available here:

<http://stopwaste.org/sites/default/files/COIWMP%20factual%20changes%20ordinance%202015-01%20second%20reading%20memo%20-%20MIKES%20VERSION.pdf>

There were no comments from the public. Board member Freitas made the motion to approve the staff recommendation. Board member Chan seconded and the motion carried 19-0 (Sadoff absent).

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| 2. | Request by Todd Fitch and Mike Tejero for an Amendment to the Alameda County Integrated Waste Management Plan (Ordinance 2015-02) to Site the Hayward Transfer Station, a CDI facility, at 3458 Enterprise Avenue in Hayward (WMA only) (Gary Wolff & Debra Kaufman) | |
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Staff and the Recycling Board as LTF and the P&O committee, recommend that the WMA Board:

1. Hold a public hearing on the proposed ordinance (attached)
2. Consider the ordinance by title only, waiving a reading of the full text
3. Introduce the ordinance for consideration of adoption at the April WMA meeting.

Debra Kaufman provided a summary of the staff report. The report is available here:

<http://stopwaste.org/sites/default/files/meeting/Hayward%20Coiwmp%20amendment%20public%20hearing%20and%20first%20reading.pdf>

President Cutter opened the public hearing. Amy Willis, ILWU provided public comment. Ms. Willis stated that the ILWU has concerns regarding the wages and conditions for the workers that will be doing the transfer work and processing the materials at the Hayward Transfer Station. Most if not all of the transfer stations in Alameda County are unionized and typically these workers receive very good wages and benefits including health insurance and retirement benefits. Wages typically range between \$25-32.00 per hour. Ms. Willis thanked the

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aforementioned cities for restructuring their cities franchise agreements to include the Alameda County Wage and Benefits Standard for recycling processing workers in Alameda County and also commended StopWaste for adopting a resolution supporting that standard and encouraged all cities in Alameda County to pass the Wage and Benefits Standard. Ms. Willis stated that she is unsure of the wages and benefits that will be offered at the facility in Hayward and encourages the Board to consider this issue in their decision to site the facility in Hayward and any future proposed sites.

There were no other public speakers on this item. President Cutter closed the public hearing.

Board member Spencer inquired if the issue regarding wages is included in this discussion. Ms. Kaufman stated no and asked Mr. Mauck, Hayward Transfer Station consultant to speak on this issue. Mr. Mauck stated that the owners of the facility will look at union wages paid in this area and intend to pay comparable wages and benefits to the workers at the facility. Mr. Mauck added he is not sure if current workers at the facility are unionized but they are paid comparable wages and benefits. Board member Rood inquired if the CoIWMP addresses prevailing wages for open or unionized workforces. Mr. Wolff stated that he believes it does not, and asked Authority Council if we have the authority to mitigate factors outside of environmental issues. Mr. Taylor stated that the agency is charged with making a determination that the proposal is consistent with the CoIWMP with respect to siting criteria, etc., but he also believes that the CoIWMP does not have policy that addresses these issues.

President Cutter inquired if Hayward has a living wage ordinance and would it apply to the proposed facility. Board member Jones stated yes Hayward does have a living wage but it only applies to city projects and is unsure if it is applicable to these types of facilities. Board member Wengraf inquired if StopWaste has a prevailing wage for our contracts. Mr. Wolff stated no, and this is not a direct contract it is a County Plan Amendment for a private facility. MR. Taylor added when we do construction or public works contracts as when we remodeled the building we are subject to the State law regarding prevailing wage. But we have not adopted an independent policy. Board member Carson stated the County does not have a prevailing wage and if it did it would only apply in the unincorporated areas. President Cutter stated that ACI and Waste Management operate in San Leandro and Waste Management's recycling workers are hired direct and receive good wages and benefits but ACI was using a set of contractors for recycling. This issue came before the City and ACI hired these workers as employees but she is unsure about the wages. Board member Spencer stated that she would like Authority Council to research this issue. Ms. Kaufman stated making further changes now would cause a delay in startup as well as initiate a first and second reading for the Boards which would create further delay. Mr. Mauck added this issue is not under the purview of the CoIWMP and would object to the Authority adding language regarding this issue. Mr. Wolff stated that the Board could proceed with the first reading today and during the intervening month staff could look into this issue further. If the Board decides to act, staff would need to amend the draft ordinance next month, hold another first reading in April and consider the amended ordinance for adoption in May.

Board member Turner stated that she is not in favor of amending the ordinance with respect to the wage issue as this is not what the Board is charged to do in this regard. Board member Ellis concurred with Board member Turner and added that the Boards role is to secure the pathway for these types of facilities to exist, and also be compliant with regulations of other parties. Board member Chan stated that she is not in favor of adding language regarding wages as it would be an imposition on the City of Hayward. Board member Kalb inquired about the jurisdictions that would utilize this facility. Mr. Wolff stated it is a private facility with private haulers that would conform to the franchise agreement within the different cities. Board member Kalb inquired if the Board can make a policy statement that says we encourage jurisdictions that establish contracts with the facility to incorporate as part of the contract language about wages. Mr. Wolff indicated that the Board has adopted a resolution recommending to all owners or operators of facilities that hire recycling workers to consider adopting the attached schedule of wages as Fremont did. Board member Kalb directed staff to provide a copy of the resolution to the proposed facility. President Cutter asked that staff provide a copy of the resolution to the

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Board in the April Board packet. Board member Biddle inquired about the scheduled date of operation. Ms. Kaufman stated the facility is currently operating under a temporary permit but at a smaller level than planned. Mr. Mauck stated that the facility is operating at 25 tons or less per day.

Board member Ellis made a motion to accept the staff recommendation. Board member Pentin seconded and the motion carried 19-0 (Sadoff absent).

The Board adjourned to closed session at 3:30 p.m. and returned to open session at 4:45 p.m.

3. **CLOSED SESSION (WMA only):
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Government Code Section 54957)**
Title: Executive Director
CONFERENCE WITH LABOR NEGOTIATOR
(pursuant to Government Code Section 54957.6)
Agency Designated Representatives: Board Members Biddle, Cutter, Kalb, Pentin.
Unrepresented Employee: Executive Director
(confidential materials mailed separately)
4. **CLOSED SESSION (WMA only):
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Government Code Section 54957)**
Title: Authority Counsel
(confidential materials mailed separately)

There were no reportable actions from the closed sessions.

5. **Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (WMA only) (Gary Wolff)** **Action**
(P&O and Recycling Board meeting, April 9th at 7:00 pm - San Leandro Senior Community Center, 13909 E. 14th St., San Leandro, CA)

There were no requests for an interim appointment.

- VII. **COMMUNICATIONS/MEMBER COMMENTS (WMA, EC & RB)** **Information**
There were none.

VIII. REGULAR CALENDAR (EC only)

1. **Bay Area Regional Energy Network Contract Amendment #1 (EC only)** **Action**
(Gary Wolff, Wendy Sommer & Karen Kho)
Adopt the Resolution attached.

Karen Kho provided a summary of the staff report. The report is available here:
<http://stopwaste.org/sites/all/themes/stopwaste/img/download-Action.jpg>

Board member Spencer inquired if the \$220,000 is designated for StopWaste. Ms. Kho stated yes. Board member Biddle made the motion to accept the staff recommendation. Board member Rood seconded and the motion carried 13-0 (Carson, Ellis, Freitas, and Wengraf absent).

2. **Community Choice Aggregation (CCA) Steering Committee (EC only)** **Information**
(Gary Wolff, Wendy Sommer & Karen Kho)
This item is information only.

Wendy Sommer provided a summary of the staff report. The report is available here:
<http://stopwaste.org/sites/default/files/meeting/CCA%20Docs.pdf>

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President Cutter stated that she has not seen the application packet as Mayor and some think that the member should be an elected official and some think the member should be a staff member. President Cutter added with respect to applicant criteria, she is unsure about how comprehensive the committee will be as she is member of a union and would not want to be perceived as having the unions' voice. President Cutter asked that her feedback be provided to County staff. Ms. Sommer indicated that the City Managers should have received a letter from Supervisor Haggerty. President Cutter inquired if the goal is for political will or to get factual information. Ms. Sommer stated initially the plan was to form two committees both political and technical but the County ultimately decided to form a mega committee. President Cutter favored a technical committee. Board member Rood stated that he received a copy of the letter as well as the Piedmont City Manager. Due to his interest in the CCA issue the City Manager suggested that the issue of appointing Board Member Rood to the Steering Committee be agendized at a City Council meeting. Board member Rood stated that he expects to be appointed at the upcoming City Council meeting. Board member Biddle asked from the perspective of the Energy Council is it advisable to have representation from the Energy Council, and if so, should it be staff or a Board member. Ms. Sommer stated that she favors representation from the Energy Council. Mr. Wolff added he favors representation from both staff and the Energy Council as the elected officials can inform their colleagues and the staff person can help do any work that is required. Board member Biddle asked if it would be advisable at our next Board meeting for staff to provide recommendations with respect to what StopWaste would like to do. Mr. Wolff stated that in discussions with the Technical Advisory Group (TAG), they were leery about stepping into the political fray but if Board members are interested in serving they can be appointed via their own agency. Board member Mass inquired if a member is serving on both the Energy Council and the Steering Committee is there a possibility of issues for recusal. Board member Rood stated that he doesn't think so as the Charter prohibits the Energy Council from forming its own CCA so there is no scenario for overlapping authority and the Steering Committee is not a JPA. President Cutter stated that it appears that StopWaste is not a participant. Ms. Sommer stated that the County contacted staff and informed us that we are a part of the three to five at large representatives along with ABAG and BART representing both energy expertise and countywide or regional interest. Board member Kalb inquired if the Energy Council would appoint a representative to the Steering Committee. Mr. Wolff stated that staff will put forward a staff person but we encourage any Energy Council member that has the time and interest in serving to serve as well.

IX. ADJOURNMENT (WMA/EC)

The meeting adjourned at 5:10 p.m.