This meeting will be conducted in a hybrid model with both in-person attendance and Teleconference participation:

Teleconference location #1: 5273 Soledad Mountain Rd., San Diego, CA
Teleconference location #2: Pleasanton City Council Conference Room, 200 Old Bernal Ave, Pleasanton, CA
Teleconference location #3: 118 Glashaus Loop, Emeryville, CA
Teleconference location #4: Franklin Park, 1010 Morton St., Alameda CA
Teleconference location #5: Scott Haggerty Heritage House, 4501 Pleasanton Ave, Pleasanton, CA
Teleconference location #6: 37101 Newark Boulevard, Conference Room No. 5, Newark, CA
Teleconference location #7: 3300 Capitol Ave. Building A, Fremont, CA

Members of the public may attend in person at the Board Room or the addresses listed above or by:

1. Calling US+1 669 900 6833 and using the webinar ID 829 6900 0343
2. Using the Zoom website or App and entering meeting code 829 6900 0343

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](http://www.stopwaste.org/virtual-meetings) no later than noon, Wednesday, May 24, 2023.

The public may also comment by sending an e-mail to publiccomment@stopwaste.org. Written public comment will be accepted until 3:00 p.m. on the day prior to the scheduled meeting. Copies of all written comments submitted by the deadline above will be provided to each Board Member and will be added to the official record. Comments will not be read into the record.

In accordance with the Americans with Disabilities 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 PRESIDENTS - (Members are asked to please advise the Board or the Council if you might need to leave before action items are completed.)

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR
   An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Boards or Council, but not listed on the agenda.

V. CONSENT CALENDAR - The Consent Calendar contains routine items of business. Items in this section will be acted on in one motion for both the WMA and EC, unless removed by a member of either Board. Members of the WMA who are not members of the EC will vote as part of the Consent Calendar vote, but their votes will not be considered in connection with any EC items.

   Page

1. Approval of the Draft Joint WMA, EC, & RB Minutes of April 26, 2023

5. Revisions to the Agency’s Grant Acceptance Policy (Timothy Burroughs & Pat Cabrera)
   That the WMA Board approve the revised grant acceptance policy resolution as recommended by the P&A Committee.

7. Heat Pump Water Heater Contractor Incentive Program Update (Jennifer West)
   Staff recommends that the Energy Council increase the authorization for accepting funds for the HPWH Contractor Incentive Program to up to $4.2 million.

VI. REGULAR CALENDAR

11. FY 23-24 Budget Adoption (Timothy Burroughs & Pat Cabrera)
   That the WMA and Energy Council hold a public hearing and adopt their respective budget resolutions (Attachment A and B).

17. Legislative Positions for 2023 – Mid Session Update (Jennifer West)
   Staff recommend that the Board adopts the stated positions on the bills identified in the staff memo.

3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliss Dunn)
   (The meeting of the Planning Committee & Recycling Board will be held on Thursday, June 8, 2023 at 4:00 p.m. The meeting will be held at StopWaste, 1537 Webster St., Oakland, CA)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. CLOSED SESSION (WMA only)

1. Pursuant to Government Code Section 54957
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION
   Title: Executive Director
   (confidential materials provided separately)

2. Pursuant to Government Code Section 54957.6
   CONFERENCE WITH LABOR NEGOTIATORS
   Agency Designated Representatives: Board Members Balch, Carling, Young, and Zermeño
   Unrepresented Employee: Executive Director
   (confidential materials provided separately)

IX. ADJOURNMENT – TO WMA & EC MEETING JUNE 28, 2023 AT 3:00 P.M.
DRAFT

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

Wednesday, April 26, 2023
3:00 P.M.

IN PERSON MEETING LOCATION:
STOPWASTE BOARD ROOM
1537 WEBSTER STREET, OAKLAND, CA

I. CALL TO ORDER
First Vice President Carling called the meeting to order at 3:02 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.

II. ROLL CALL OF ATTENDANCE

WMA, EC, & RB
County of Alameda                  David Haubert, WMA, EC
City of Alameda                   Tracy Jensen, WMA, EC, RB
City of Albany                    Jennifer Hansen-Romero, WMA, EC
City of Berkeley                  Susan Wengraf, WMA, EC
Castro Valley Sanitary District   Dave Sadoff, WMA
City of Dublin                    Melissa Hernandez, WMA, EC
City of Emeryville                David Mourra, WMA, EC, RB
City of Fremont                   Yang Shao, WMA, EC
City of Hayward                   Francisco Zermeño, WMA, EC
City of Livermore                 Bob Carling, WMA, EC, RB (WMA First Vice President)
City of Newark                    Mike Hannon, WMA, EC
City of Oakland                   Dan Kalb, WMA, EC, RB
Oro Loma Sanitary District        Shelia Young, WMA
City of Piedmont                  Jen Cavenaugh, WMA, EC
City of Pleasanton                Jack Balch, WMA, EC (EC President)
City of San Leandro               Fred Simon, WMA, EC, RB
City of Union City                Jeff Wang, WMA, EC
Environmental Educator            Eric Havel, RB
Environmental Organization        Darby Hoover, RB
Recycling Materials Processing Industry Laura McKaughan, (RB President)
Recycling Programs                Chiman Lee, RB
Solid Waste Industry Representative Talia Wise, RB
Source Reduction Specialist       Grace Liao, RB

Staff Participating
Timothy Burroughs, Executive Director
Pat Cabrera, Administrative Services Director
Alma Freeman, Communications Manager
Justin Lehrer, Operations Manager
Meghan Starkey, Senior Management Analyst
Arliss Dunn, Clerk of the Board
Richard Taylor, WMA Legal Counsel
Farand Kan, County Counsel
III. ANNOUNCEMENTS BY PRESIDENTS
There were none.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR
Arthur Boone provided public comments. There were no other public comments.

V. CONSENT CALENDAR
1. Approval of the Draft WMA & EC Minutes of March 22, 2023 (WMA & EC only)
2. Approval of the Draft PC/RB Minutes of March 9, 2023 (RB only)
3. Recycling Board Attendance Record (RB only)
4. Written Report of Ex Parte Communications (RB only)
There were no public comments for the Consent Calendar. Board member Zermeño moved approval of the Consent Calendar for the WMA & EC, with the correction to the spelling of the last name for public speaker, Connie Cox. The correct spelling is Kopps. Board member Kalb seconded. Board member Jensen moved approval of the Consent Calendar for the RB, and Board member Carling seconded.

The Clerk called the roll: WMA Vote: 18-0      EC Vote: 18-0      RB Vote: 11-0

VI. REGULAR CALENDAR
1. Draft Fiscal Year 2024 Agency Budget (Timothy Burroughs & Pat Cabrera) (WMA, EC & RB)
   This item is for information only.

Timothy Burroughs and Pat Cabrera presented an overview of the Draft Fiscal Year 2024 agency budget. A link to the staff report and presentation is available here: FY-2023-2024-Budget-Presentation.pdf

Mr. Burroughs thanked the Board for their leadership and partnership, and thanked staff for their passion, expertise, and commitment. Ms. Cabrera provided a summary of financial highlights and Timothy Burroughs provided an overview of programs.

Additional time was provided to Board members for discussion and to ask clarifying questions. An audio link to the discussion is available here: FY-23-24-Budget-Discussion

Board members inquired about the Agency’s revenue strategies as landfill tonnages decline. Ms. Cabrera informed the Board that the Agency retained Crowe LLP to conduct a fiscal analysis focused on the Agency’s fee-based revenue structure and projected expenditures. Ms. Cabrera stated that the Agency has already begun the process of analyzing potential revenue scenarios and will present those options to the Board in the fall. Board members inquired about the Agency’s investment policies. Ms. Cabrera stated that at the Board’s direction, the Agency is currently invested in the Local Agency Investment Fund (LAIF), along with the Alameda County investment pool. The Agency can explore other investment options if the Board chooses to do so. Additionally, the Agency has capital investment in our building on Webster Street, and property at the Altamont. Board member Cavenaugh requested that the Agency conduct an investment analysis. Ms. Cabrera stated that the Agency is currently reviewing the investment policy and will come back to the Board at a later date with more information.

There were no public comments on this item. There were no changes or revisions to the budget. The Board expressed appreciation for the Agency’s proactive fiscal management, transparency, and program innovation.

2. Agency Program Evaluation (Meghan Starkey & Miya Kitahara) (WMA & RB)
   This item is for information only.

Timothy Burroughs introduced the item and Meghan Starkey presented an overview of the Agency’s evaluation work of key programs and plans for the future. A link to the staff report and the presentation is available here.
Additional time was provided to the Board for discussion and clarifying questions. An audio link to the discussion is available here: Evaluation-Update-Discussion

Board members were pleased to see the metrics developed to evaluate programs and inquired about how often staff would provide updates to the Board. Mr. Burroughs replied that staff would provide updates at least annually if not more frequently. Mr. Burroughs informed the Board that Ms. Starkey is soon planning for retirement. Board members expressed their appreciation to Ms. Starkey for her work over the years and offered congratulations on her pending retirement. Ms. Starkey thanked the Board for their support and commitment to our programs during her tenure.

There were no public comments on this item.

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

(The meeting of the Planning Committee & Recycling Board will be held on Thursday, May 11, 2023 at 6:00 p.m. at the Surlene Grant Community Meeting Room, 999 East 14th Street, San Leandro, CA. Directions will be provided.)

Board member Kalb requested an interim appointment and Board member Young agreed to serve. Board member Balch moved approval of the appointment, and Board member Zermeño seconded. The motion carried 20-0. The Clerk called the roll:


**VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR**

Mr. Burroughs announced that the monthly topic brief highlights Sustainable Textile Management. A link to the topic brief is available [here](#).

**VIII. ADJOURNMENT – TO JOINT WMA & EC MEETING MAY 24, 2023 AT 3:00 P.M.**

The meeting was adjourned at 4:35 p.m.
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DATE: May 24, 2023

TO: Waste Management Authority (WMA) Board

FROM: Timothy Burroughs, Executive Director
Pat Cabrera, Administrative Services Director

SUBJECT: Revisions to the Agency’s Grant Acceptance Policy

SUMMARY

On May 11, 2023 the Programs and Administration (P&A) Committee recommended that the WMA Board approve revisions to the Agency’s grant acceptance policy – specifically, changes to the Executive Director’s authorization to accept grant awards and other types of external funding.

DISCUSSION

By a vote of 11–0, the P&A Committee reviewed and recommended forwarding for approval the attached resolution revising the Agency’s grant acceptance policy. The changes are as follows:

- Increasing the Executive Director’s authorization to accept and expend grant awards, contracts, and other forms of external funding from $50,000 to $100,000.
- Require that the Executive Director inform the Board of any such awards on a quarterly basis.

The report submitted to the P&A Committee is available at the following link: Revised-Grant-Acceptance-Policy.pdf

RECOMMENDATION

That the WMA Board approve the revised grant acceptance policy resolution as recommended by the P&A Committee.

Attachment: Grant Acceptance Policy Resolution
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

RESOLUTION # WMA 2023-04

MOVED:
SECONDED:

AT THE MEETING HELD MAY 24, 2023

POLICY TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ACCEPT GRANT AWARDS NOT TO EXCEED $100,000 PER AWARD AND TO INCREASE CORRESPONDING EXPENDITURES NOT TO EXCEED $100,000 PER AWARD

WHEREAS, the Alameda County Waste Management Authority has been the recipient of numerous grants which help further the mission of the organization, and

WHEREAS, Authority staff actively pursue additional grant funding for a variety of programmatic activities, and

WHEREAS, bringing forth each small grant award for Board approval is impractical and inefficient, and

WHEREAS, the Executive Director's purchasing authority includes the ability to authorize budgeted contracts or expenditures up to $100,000 per contractor or vendor per fiscal year without separate Board approval, and

WHEREAS, authorizing a threshold for the acceptance of grants and other types of external funding consistent with the purchasing policy in conjunction with corresponding expenditures will reduce administrative costs and increase operational efficiencies, and

WHEREAS, the Programs and Administration Committee at its meeting held May 11, 2023, reviewed, and approved forwarding this resolution to the Authority Board for adoption.

NOW THEREFORE, BE IT RESOLVED, THAT:

1. The Executive Director or designee is authorized to accept grant awards, contracts and other forms of external funding not to exceed $100,000 per award without separate Board approval.
2. The Executive Director is authorized to approve additional expenditures up to the award amount not to exceed $100,000 per award, if the approved budget includes an authorization to expend miscellaneous grants up to a specified amount and the sum total of miscellaneous grant spending does not exceed the amount authorized in the budget.
3. The Executive Director is required to inform the Board of any such awards on a quarterly basis.

ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAINED:

____________________________
Arliss Dunn, Clerk of the Board
DATE: May 24, 2023

TO: Energy Council

FROM: Jennifer West, Program Manager

SUBJECT: Heat Pump Water Heater Contractor Incentive Program Update

SUMMARY
StopWaste staff is requesting Energy Council approval to increase the amount of funding authorized to be received from local energy providers who are participating agencies in our Heat Pump Water Heater (HPWH) Contractor Incentive Program, administered under BayREN.

DISCUSSION
In 2020 the Energy Council approved the creation of a regional midstream incentive program for HPWHs that pays contractors $1,000 per installed HPWH unit replacing a fossil gas water heater. The program has now been in place for three years and was extended to March 31, 2025. We currently have over 90 contractors enrolled in the program and we have paid out incentives for 550 HPWHs. This program can be layered with BayREN’s Home+ program and other programs, including the statewide TECH (Technology and Equipment for Clean Heating) program that started in 2022, and the soon-to-be-launched SGIP (Self-Generation Incentive Program). The purpose of our program was to develop this nascent market and to engage with supply chain actors, such as manufacturers, distributors, and contractors, which we have done successfully, making the Bay Area a fertile ground for an increasing number of HPWH installations.

Four participating agencies fund the incentives: East Bay Community Energy, MCE, CleanPowerSF, and Silicon Valley Power. The program covers customers of these four agencies in six counties and one city: the Counties of Alameda, Contra Costa, Solano, Napa, Marin, San Francisco and the City of Santa Clara.

In 2020, Energy Council entered a Cooperative Agreement with local energy providers for implementation of the HPWH Contractor Incentive Program. When the Cooperative Agreement was approved, the board authorized the Energy Council to accept up to $1.2 million for the program. In 2023 the program was extended by an amendment to March 31, 2025. We request an increase in the authorized amount of funds up to $4.2 million (an additional $3 million), allowing staff to continue accepting and distributing funds under this program through the March 31, 2025, end date.

RECOMMENDATION
Staff recommends that the Energy Council increase the authorization for accepting funds for the HPWH Contractor Incentive Program to up to $4.2 million.
ENERGY COUNCIL
RESOLUTION #EC 2023 -

MOVED:
SECONDED:

AT THE MEETING HELD May 24, 2023

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT INCREASED FUNDING FOR THE HEAT PUMP WATER HEATER INCENTIVE PROGRAM AND OTHER RELATED ACTIONS

WHEREAS, the Energy Council recognizes that it is in the interest of local, regional, state, and federal agencies to stimulate the economy, create and retain jobs, reduce fossil fuel emissions, and reduce total energy usage and improve energy efficiency; and

WHEREAS, the Energy Council was formed to seek funding to develop and implement programs and policies that reduce energy demand, increase energy efficiency, advance the use of clean, efficient and renewable resources, and help create climate resilient communities; and

WHEREAS, the Energy Council adopted electrification as a priority area for external grant seeking; and

WHEREAS, in consultation with the Energy Council Technical Advisory Group (TAG), staff identified in 2020 that heat pump water heaters are a promising technology; and

WHEREAS, the Energy Council partnered with the Bay Area Regional Energy Network (BayREN) to develop a regional contractor incentive program for heat pump water heaters; and

WHEREAS, in 2020, the Energy Council entered a Cooperative Agreement with Local Energy Providers for implementation of the HPWH Contractor Incentive Program; to date, the Energy Council has engaged with four Local Energy Providers to fund contractor incentives for installing heat pump water heaters; and

WHEREAS, the Cooperative Agreement was amended by all participating agencies to extend the program through March 31, 2025; and

WHEREAS, the participating Local Energy Providers would like to supplement the initial funding pool in order to maintain continuity of program incentives.

NOW THEREFORE, BE IT RESOLVED, that the Energy Council hereby authorizes the Executive Director to:

1. Accept funds not to exceed $4,200,000 (an increase of $3,000,000 from the previous amount of $1,200,000) and make any necessary changes to the FY 2022-2023 budget to Project 1311: HPWH Grant.

2. Enter into all necessary contracts and agreements with program providers.
3. Approve any required time extensions, modifications, or amendments thereto.
4. Allocate the necessary resources to implement and carry out the amended scope of work.

ADOPTED this 24th day of May, 2023, by the following votes:

AYES:
NOES:
ABSENT:
ABSTAINED:

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of Resolution #EC 2023-

________________________
ARLISS DUNN
Clerk of the Board
DATE: May 24, 2023

TO: Waste Management Authority Board (WMA)  
    Energy Council (EC)

FROM: Timothy Burroughs, Executive Director  
      Pat Cabrera, Administrative Services Director

SUBJECT: Fiscal Year 2024 Budget Adoption

SUMMARY
At the May 24, 2023, meeting, staff will recommend that the WMA and EC adopt their respective FY 2024 budgets.

DISCUSSION
The proposed budget for FY 2024 was presented at a joint meeting of the Waste Management Authority, Energy Council and Recycling Board on April 26, 2023. The staff memo and PowerPoint presentation from the April 26 board meeting is available at FY-2024-Budget-Presentation.pdf

The presentation at the April 26 meeting was well received and there were no requests for changes to the budgeted amounts. The combined proposed FY 2024 budget totals approximately $38.3 million, with the following breakdown:

- WMA: $ 16,676,284
- Energy Council: $ 10,751,160
- Recycling Board: $ 10,871,915

As outlined in the budget document, some projects are funded using both WMA and Recycling Board funds. The Agency’s discretionary budget is approximately $13.2 million, funded by core revenue ($11.2 million) and fund balance ($2.0 million, of which approximately $671,000 is for one-time expenses). Based on the forecasting models developed as part of the comprehensive fund balance and reserve analysis, the Agency can draw on its fund balance in FY 2024 and still maintain an appropriate contingency. The Agency’s FY 2024 contingency, which includes both core fund balances and reserves, is projected to total $22.8 million. As such, we continue to meet our financial goals as well as our operational objectives through prudent spending, a team of resourceful and resilient staff, and the ongoing support of our Boards.

RECOMMENDATION
That both the Waste Management Authority and the Energy Council hold public hearings and adopt their respective budget resolutions (Attachments A and B).

Attachment A: WMA Budget Resolution  
Attachment B: EC Budget Resolution  
Attachment C: Link to Annual Budget – FY-23-24-Annual-Budget
WHEREAS, a preliminary budget for Fiscal Year 2024 has been developed that incorporates programs and projects based on the aims and guiding principles developed by the Board and consistent with the Countywide Integrated Waste Management Plan and Recycling Plan; and,

WHEREAS, this budget was presented at the joint meeting of the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board, and the Energy Council held on April 26, 2023, for review and comment; and,

WHEREAS, legal notice of the public hearing on the budget has been provided, and the matter scheduled on the May 24, 2023, Alameda County Waste Management Authority Board agenda for adoption.

NOW THEREFORE, BE IT RESOLVED that the Alameda County Waste Management Authority (WMA) Board hereby:

1. Adopts the WMA’s portion of the Fiscal Year 2024 Budget with expenditures totaling $16,676,284, and authorizes staff to proceed with its administration, programs and operations in accordance with the adopted budget, effective July 1, 2023.
2. Authorizes the attached salary schedule and authorized positions.
3. Authorizes the following new or augmented contracts and/or spending authority subject to approval as to form by Legal Counsel, and consistent with the WMA’s purchasing policy:

**Food Waste Prevention**
- Zero Company Performance Marketing, Inc. $40,000
- Online media buy – including digital/mobile ads, facebook/gmail ads and Search Engine Marketing
- Gigantic Idea Studio $15,000
- Marketing and outreach services

**SB 1383 Implementation Support**
- Gigantic Idea Studio $25,000
- Marketing and outreach services
- Cascadia Consulting Group $150,000
- Business and multifamily technical assistance
### Used Oil Recycling (externally funded)

Zero Company Performance Marketing, Inc.  
$ 50,000

Online media buy – including digital/mobile ads, facebook/gmail ads and Search Engine Marketing

Gigantic Idea Studio  
$ 15,000

Rider’s Recycle Motor Cycle Outreach

### Household Hazardous Waste (HHW) Facilities

Zero Company Performance Marketing, Inc.  
$ 45,000

Online media buy – including digital/mobile ads, facebook/gmail ads and Search Engine Marketing pre-roll video to drive residents to the HHW website.

### Administrative Overhead (OH) (includes general OH, accounting and budgeting, Information systems and board administration)

Shute, Mihaly and Weinberger, LLP  
$ 166,000

Authority counsel, charged against multiple projects as appropriate.

Alliance Insurance Services  
$ 184,000

Agency insurance

TBD pending results of bid process and Executive Director or designee approval not to exceed  
$ 275,000

HVAC system upgrade/replacement: note funding coming from combination of prior year encumbrances and FY 2024 allocation

### Reusable Food Ware and Bags

Clean Water Fund  
$ 340,000

Technical assistance to help businesses switch to reusables. This is possible amendment to the current contract which in addition to an Agency increase of $100,000 includes participation by the city of Berkeley ($100,000), City Fremont ($50,000) and City of Dublin ($50,000)

Gigantic Idea Studio  
$ 75,000

Outreach strategy and content development

### Agency Communications

Zero Company Performance Marketing, Inc.  
$ 40,000

Online media buy – including digital/mobile ads, facebook/gmail ads and Search Engine Marketing

Gigantic Idea Studio  
$ 15,000

Content development for business awards

### Schools Outreach

TBD pending results of bid process and Executive Director or designee approval not to exceed  
$ 120,000

Bus service for field trips
Passed and adopted this 24th day of May, 2023 by the following vote of the WMA Board:

AYES:
NOES:
ABSTAIN:
ABSENT:

______________________________
Arliss Dunn, Clerk of the Board
## Monthly Salary Ranges and Authorized Positions

**FY24***

Authorized Positions 50.0 FTE**

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* Salary increase effective June 25, 2023
** Includes regular, limited term, and intermittent positions. Does not include any future positions that may be required due to grant/external funding. Those positions will be approved as part of the grants/external funding process.
*** Serves as Agency’s Treasurer pursuant to the Agency’s investment policy and applicable state law.
ENERGY COUNCIL
RESOLUTION #EC 2023-04

MOVED:
SECONDED:

AT THE MEETING HELD MAY 24, 2023
THE ENERGY COUNCIL AUTHORIZES ADOPTION OF THE FISCAL YEAR 2024 BUDGET

WHEREAS, a preliminary budget for Fiscal Year 2024 has been developed that incorporates program priorities adopted by the Energy Council and external funding agreements; and,

WHEREAS, this budget was presented at the joint meeting of the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board and the Energy Council held on April 26, 2023 for review and comment; and,

WHEREAS, legal notice of the budget hearing has been provided, and the matter scheduled on the May 24, 2023 Energy Council agenda for adoption.

NOW THEREFORE, BE IT RESOLVED, that the Energy Council hereby adopts the Energy Council’s portion of the Annual Budget for Fiscal Year 2024 with expenditures totaling $10,751,160 and authorizes staff to proceed with Energy Council administration, programs and operations in accordance with the adopted budget, effective July 1, 2023.

Passed and adopted this 24th day of May 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

__________________________________________
Arliss Dunn, Clerk of the Board
DATE: May 24, 2023

TO: Waste Management Authority and Energy Council

FROM: Jennifer West, Program Manager

SUBJECT: Legislative Positions for 2023 – Mid Session Update

SUMMARY: This memo, accompanied by a staff presentation at the May meeting, provides an update on the status of bills WMA took positions on in March, and includes several new bills with recommended positions for the Board’s consideration.

DISCUSSION: At its January 2023 meeting, the Waste Management Authority Board adopted five legislative priorities for 2023:

1. Common sense adjustments to SB 1383 requirements
2. Decarbonization/electrification in the built environment to reduce reliance on carbon-intensive energy and materials in our communities
3. Circular economy solutions and plastic pollution prevention
4. Clear product information for consumers
5. Building healthy food systems

StopWaste bill positions:

<table>
<thead>
<tr>
<th>Support</th>
<th>Support positions can range from signing joint support letters, submitting our own support letters, testifying in committees, and/or providing input on bill language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Watch, Support if Amended</td>
<td>Letters of support with recommended amendments; indicates that bill language and details are still evolving, and we will continue to watch and provide input and take a support/oppose position where appropriate</td>
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<tr>
<td>Oppose Unless Amended</td>
<td>Letters of opposition unless the measure includes recommended amendments to address concerns</td>
</tr>
<tr>
<td>Oppose</td>
<td>Opposition to bill</td>
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</table>

At its March 2023 meeting, the WMA board considered positions on 16 bills outlined in the March 2023 board memo. We have included those bills in this memo only if the bill or our position has changed.
UPDATE ON BILLS WITH ESTABLISHED POSITIONS:

Plastic Pollution Prevention, Circular Economy Solutions and Upstream Waste Prevention, including Extended Producer Responsibility

**SB 244 (Eggman) Right to Repair Act**
Requires manufacturers of consumer electronics to provide replacement parts, diagnostic information, and service literature to consumers and third-party repair businesses. These requirements would apply for three years after the date a product model or type was manufactured for products that have a wholesale price of $50 to $99.99 and seven years for products of $100 or more, regardless of whether the specified time period exceeds the warranty period for the product.

*Revised position* Agency position: Support (currently we have adopted a Watch position)
Support: Californians Against Waste, CalPIRG, iFixit, Natural Resources Defense Council
Opposition: California Chamber of Commerce, California Manufacturers and Technology Association, Internet Coalition, TechNet
Cost to local governments: None

**SB 552 (Newman) Solid waste: single-use foodware accessory and single-use food packaging**
This bill requires food facilities to offer food and beverages on reusable foodware for those customers that dine in. This measure is intended to resemble the Berkeley ordinance and our model ordinance.

Agency position: Watch
Support: Californians Against Waste, Clean Seas Lobbying Coalition & Surfrider Foundation
Opposition: None listed
Cost to local governments: Unknown at this time
*This measure is now a two-year bill.*

SUMMARY OF NEW BILLS AND PROPOSED POSITIONS:

Plastic Pollution Prevention, Circular Economy Solutions and Upstream Waste Prevention, including Extended Producer Responsibility

**AB 1238 (Ward) Hazardous waste: solar panels**
This bill requires the Department of Toxic Substances Control (DTSC) to develop alternative management standards (AMS) for the management of photovoltaic (PV) modules. The bill specifies that the AMS should (1) Promote the safe collection, reuse, and recycling of PV modules; (2) Ensure that the AMS do not pose a significant potential hazard to human health and safety or the environment; (3) Provide flexibility and administrative convenience for persons collecting and recycling PV modules; (4) Seek to streamline the process for persons collecting and recycling PV modules; (5) Allow for the safe landfilling of PV modules, if there are no recycling or reuse option; (6) Allow a person, when following the AMS, to collect, reuse, or recycle PV modules without a hazardous waste permit.
**Agency position: Support**
Support: California Product Stewardship Council, Californians Against Waste, RethinkWaste
Opposition: Association of National Advertisers
Cost to local governments: None

**AB 1347 (Ting) Solid waste: paper waste: proofs of purchase**
This bill bans the use of the chemicals bisphenol A (BPA) and bisphenol S (BPS) in printed receipts. In addition, it prohibits businesses from printing any information on a receipt, other than information strictly related to the transaction. In addition, it requires businesses to offer all customers a choice between an email, text, or paper receipt, or no receipt at all.

**Agency position: Support**
Support: A Voice for Choice Advocacy
Opposition: None listed
Cost to local governments: None

**AB 1659 (Gabriel) Sale of small electronic devices: charging devices**
This bill creates a single charging hardware standard for small electronic devices, such as cell phones.

**Agency position: Support**
Support: California Product Stewardship Council, Californians Against Waste, Climate Equity Policy Center, Natural Resources Defense Council
Opposition: None listed
Cost to local governments: None

**SB 271 (Dodd) Powered wheelchairs: repair**
This bill requires an original manufacturer of a powered wheelchair to provide a wheelchair owner or independent repair provider the necessary parts and equipment used to inspect, diagnose, maintain, and repair the wheelchair. The bill also prohibits the Department of Health Care Services from requiring prior authorization for the repair of a powered wheelchair under Medi-Cal or a treatment authorization request.

**Agency position: Support**
Support: Californians Against Waste, Consumer Reports, iFixit, California Foundation for Independent Living Centers
Opposition: California Association of Medical Product Suppliers, National Coalition for Assistive & Rehab Technology
Cost to local governments: None

**SB 353 (Dodd) Beverage containers: recycling**
This bill would expand the Beverage Container Recycling Program (BCRP) to include all sizes of containers of 100% juice. It would also authorize CalRecycle to adjust certain recycling payments based on either the applicable preceding 12-month or 3-month average scrap
value, whichever is lower.

Agency position: Support
Support: Californians Against Waste, Berkeley Recycling/Community Conservation Centers INC, Republic Services
Opposition: None listed
Cost to local governments: None

SB 615 (Allen) Vehicle traction batteries
This bill would require vehicle traction batteries (for EVs) to be recovered and reused, repurposed, or remanufactured and recycled at the end of their useful life. This bill would also require vehicle manufacturers, dealers, dismantlers, repair dealers, or other secondary users to be responsible for ensuring responsible end-of-life management of vehicle traction batteries.

Agency position: Support if amended for a more robust end-of-life management.
Opposition: None listed
Cost to local governments: None

Brown Act

AB 557 (Hart) Open meetings: local agencies: teleconferences
This bill eliminates the sunset date on provisions of law allowing local agencies to use teleconferencing without complying with specified Ralph M Brown Act (Brown Act) requirements during a proclaimed state of emergency.

Agency position: Support
Support: California Special Districts Association, League of California Cities, California State Association of Counties
Opposition: None listed
Cost to local governments: None

SB 537 (Becker) Open meetings: multijurisdictional, cross-county agencies: teleconferences
This bill authorizes an eligible legislative body, which is a board, commission, or advisory body of a multijurisdictional, cross county, local agency with appointed members that is subject to the Brown Act, to teleconference their meetings without having to make publicly accessible each teleconference location under certain conditions and limitations.

Agency position: Support
Support: Peninsula Clean Energy, League of California Cities
Opposition: ACLU California Action, California News Publishers Association
Cost to local governments: None
Decarbonization and Electrification, Low-Carbon Buildings

**AB 593 (Haney) Carbon emission reduction strategy: building sector**
This bill requires the California Energy Commission to identify an emission reduction strategy for the building sector to support the achievement of the state’s 2045 greenhouse gas (GHG) emission reduction goals.

**Agency position:** Support
**Support:** Building Decarbonization Coalition, Climate Action California, SPUR
**Opposition:** California Association of Realtors
**Cost to local governments:** None

**SB 527 (Min) Neighborhood Decarbonization Program**
This bill would, until January 1, 2030, require the California Public Utilities Commission, in consultation with gas corporations, to develop and supervise the administration of the Neighborhood Decarbonization Program to cease providing gas utility service in an area within its service territory if the CPUC determines that adequate substitute energy service is reasonably available to support the energy end use of affected gas customers.

**Agency position:** Support
**Support:** City of Berkeley Office of Energy and Sustainable Development, Climate Action Campaign, SPUR, Efficiency First CA, Emerald Cities Bay Area, NRDC, Rising Sun, Sierra Club
**Opposition:** Rural County Representatives of California
**Cost to local governments:** According to the opposition, “this may shift costs from gas utilities to customers, and do not believe it is sufficient that this bill requires the CPUC to ensure that rates for substitution of service for low-income customers are just, adequate, and reasonable.”

**SB 682 (Skinner) Low-carbon cement and low-carbon concrete**
This bill would make it the policy of the state to purchase or specify at least 10 percent of cement and concrete meet or exceeds a specified benchmark for low-carbon cement by 2030 and to exclude from that 10 percent the purchase of all fossil-based supplementary cementitious materials by 2035.

**Agency position:** Support
**Support:** Decarbonized Cement & Concrete Working Group, Institute for Carbon Management
**Opposition:** None listed
**Cost to local governments:** None

Organics/Composting

**AB 1567 (Garcia) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2024**
This bill enacts the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2024. Specifically, this bill, upon approval by the voters in the March 5, 2024, statewide primary election, enacts the bond to authorize the issuance of $15 billion in general obligation (GO) bonds to finance projects including: (1) $1.6 billion for the protection of California’s wildlife, biodiversity, and fisheries from climate risks. (2) $820 million for protecting farms, ranches, and working lands from the impacts of climate change. (3) $1.8 billion for regional climate resilience projects that address multiple risks.

Agency position: Support if amended to include $200 million towards organic waste infrastructure
Support if Amended: RethinkWaste, Californians Against Waste, Republic Services
Opposition: None listed
Cost to local governments: No

Building a Healthy Food System

**AB 408 (Wilson) Climate-Resilient Farms, Sustainable Healthy Food Access, and Farmworker Protection Bond Act of 2024**
This bill enacts the $3.365 billion Climate-Resilient Farms, Sustainable Healthy Food Access, and Farmworker Protection Bond Act of 2024. Specifically, this bill, upon approval by the voters in the November 5, 2024 statewide general election, enacts the bond to authorize the issuance of $3.365 billion in general obligation (GO) bonds to finance projects in the following categories: (1) $950 million for improving agricultural resilience and advancing sustainable agriculture; (2) $750 million for protecting the health and well-being of California’s farmworkers; (3) $750 million for sustainable healthy food access and nutrition security; (4) $915 million for strengthening regional food economies.

Agency position: Support
Support: California Compost Coalition, Californians Against Waste, Ecology Center
Opposition: None listed
Cost to local governments: No

Next Steps/Key Dates

- **June**: The state budget for 2023-24 must be passed
- **September**: Deadline for bills to pass the Legislature
- **October**: Deadline for Governor to sign or veto bills
- **November**: Status update provided to Board after the Governor takes action

**RECOMMENDATION**

Staff recommend that the Board adopts the stated positions on the bills identified in the staff memo.
# June 2023
## Meetings Schedule

Alameda County Waste Management Authority, the Energy Council, Source Reduction & Recycling Board, and Programs and Administration Committee

(Hybrid meetings are held at StopWaste Offices unless otherwise noted)

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<tr>
<th>SUN</th>
<th>MON</th>
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<th>THURS</th>
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|     |     |      |     | **9:00 A.M.**  
Programs & Administration Committee  
**Key Items:**  
1. Election of P&A Chair and Vice Chair  
2. Enforcement ordinance amendments  
**4:00 P.M.**  
Planning Committee & Recycling Board  
**Key Items:**  
1. Environmental Leadership Awards program |
| 11  | 12  | 13   | 14  | 15    | 16  | 17  |
| 18  | 19  | 20   | 21  | 22    | 23  | 24  |
| 25  | 26  | 27   | 28  | 29    | 30  |     |

**3:00 P.M.**  
Waste Management Authority, & Energy Council  
**Key Items:**  
1. Enforcement ordinance  
2. Election of officers WMA  
3. Election of Officers EC  
4. WMA appointee to RB (Carling term expires 6/23)  
5. HHW Fee adoption  
6. Annual ED evaluation
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Energy Council
TECHNICAL ADVISORY GROUP (TAG)
Tuesday, May 16, 2023 – 1:00 pm to 2:30 pm

Attendance (all via phone):
County of Alameda: Ali Abbors
City of Albany: Lizzie Carrade, Michelle Plouse, Natasha Gallatin (Fellow)
City of Berkeley: Billi Romain, Katie Van Dyke
City of Dublin: Shannan Young, Anna Zamboanga (Fellow)
City of Emeryville: Nancy Humphrey
City of Fremont: Rachel DiFranco, Kranti Kapur
City of Hayward: Erik Pearson, Nicole Grucky, Hailey Meyer (Fellow), Sierra Cannon (Fellow)
City of Livermore: Tricia Pontau
City of Oakland: Shayna Hirshfield-Gold, Jeffrey Wong
City of Piedmont: Alyssa Dykman, Sophie Roberts (Fellow)
City of Pleasanton: ZeeLaura Page, Megan Campbell
City of San Leandro: Hoi-Fei Mok
EBCE: Cait Cady, Allison Lopez
StopWaste: Jennifer West, Chris Hunter, Ben Cooper, Emily Alvarez, Timothy Burroughs, Pat Cabrera, Robin Plutchok

Welcome and Intros

- Based on feedback, we are reducing the monthly TAG meeting to one hour and hosting quarterly in-person meetings that will be two hours long, with the first one planned for July 2023.

Ask TAG

- Oakland asked about the speakers for the next BayREN forum on Electrification and the Electric Grid on 6/21/23. The speakers are still being finalized. Register and receive more information here

ACEEE Energy Equity for Renters Toolkit – Ben Cooper, StopWaste; Katie Van Dyke, City of Berkeley

- StopWaste received 125 hours of open-ended technical assistance to support Berkeley’s existing building electrification and the BayREN BAMBE program incentive redesign centered around tenant protections
- Services also included translation of full toolkit into Spanish and Vietnamese, and the fact sheet was translated into additional languages (Arabic, Somali, Swahili, Spanish and Vietnamese)
- Recommendations from the toolkit:
  o Add a single point of contact for utility and rental assistance programs. This can be difficult in practice, but more can be done to communicate and align offerings.
  o Engage with renters in properties receiving funding for electrification work. BAMBE is doing some of this, including a follow-up with surveys and keeping eyes on utility bills.
  o Preserve existing subsidized housing. ACEEE was able to identify housing in Alameda County at risk of losing affordability status in the next five years, which our staff will look into.
  o Provide accommodations for affordable housing properties in energy retrofit requirements. What can we do or pilot as ways to protect renters and ensure they are not at risk of displacement after upgrades?
  o Use structural and budget equity tools. These tools would need to be used by our organizations first before asking others to use them.
  o Continue drafting equity performance indicators (EPI). StopWaste is working on this through an Agency-wide evaluation process.
- ACEEE EPI examples include: the percentage of funding that is allocated to projects that benefit renters; the # of green jobs created for BIPOC individuals; changes to indoor air quality for units receiving electrification funding; the # of units remaining affordable after project completion.
- Some indicators may be considered sensitive or private information, so there is a need to build trust and be a partner and not be extractive in our engagement.
- Berkeley is starting a community-driven process to define what success looks, how to measure, and how to show accountability.
  - Regularly discuss issues related to energy efficiency and rental housing with community-based organizations (CBOs). Through this effort, we provided stipends to pay people for their time, and make sure that their time was used wisely.
  - We conducted focus groups and identified key stakeholders in the community.
  - We found it was difficult to engage with owners (even when offering gift cards). We had good attendance from tenants due to the trust that was built within community.
  - In our listening sessions, we did not ask direct questions about energy, and when we asked generally about complaints/comfort/issues with the apartment, energy use came up naturally.

**BayREN Single Family Program (Home+) Changes** – Chris Hunter, StopWaste

- Program participation has increased in recent years, with a big spike in 2023. We attribute this to increased knowledge of technologies and available state/federal rebates and tax incentives.
  - Home+ has received additional funds this year but will manage the remaining budget to maintain the program through the end of 2023, engage contractors, and fill gaps in the market.
- Overview of changes:
  - Efficiency rebates (insulation, air sealing, ducts) are remaining largely unchanged since BayREN is one of the few programs offering them.
  - Heat pump HVAC and water heating rebates are decreasing since new rebates are available through the state, and federal tax incentives will make up the difference.
  - Reducing induction stove and heat pump dryer incentives.
  - Eliminating bonus rebates to conserve budget and because BayREN does not claim energy savings from those measures directly.
- Re-focusing outreach on general resident messaging and workforce development.
  - Engage with community colleges and training centers, longer term industry support.
  - Our outreach team is still available for events and general education.
- Changes will be phased in over the next several months and will remain in effect through the end of the year. The program’s redesign process will result in new offerings in 2024 and beyond.

**StopWaste Budget Presentation** – Timothy Burroughs and Pat Cabrera, StopWaste

- See Budget document from the April 26, 2023 Board meeting here.
- Overall, Agency programs and efforts aim to advance a circular economy, upstream solutions and healthy communities.
- Our aims define how we do our work, focusing on: capacity, equity, partnerships, regeneration, mindset, and evaluation.
  - FY 23-24 will focus on equity and evaluation
- The Agency is in a strong fiscal position. This fall, we will evaluate potential long-term funding options as an alternative to landfill/tonnage fees.
• Our programs fall into the following themes: circular economy solutions, community food systems, built environment, energy, and health.

Announcements

• Energy Council Board meeting on 5/24 with the budget on agenda.
• Monthly Topic Brief on Sustainable Textiles Management.
• StopWaste is hiring a Program Manager I, and the application period closes 6/2/23.
• BayREN announcements – the dashboard will be ready by 5/19, Forum on 6/21/23.
• Mass timber construction project at 1510 Webster St. across from StopWaste office. This is a great example of a more carbon-positive method of high rise construction (18 stories high).
• High Road Training Partnership - workshop 5/17 to hear from contractors on public programs, Residential Decarbonization, and high road jobs.