

**APPROVED**

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

**Wednesday, May 27, 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 3:02 p.m.

**II. ROLL CALL**

**WMA & EC**

County of Alameda	Scott Haggerty, WMA, EC (arrived 3:25 p.m.)
City of Alameda	Jim Oddie, WMA, EC
City of Albany	Peter Maass, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
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 Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC (arrived 3:20 p.m.)
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Tim Rood, WMA, EC
City of Pleasanton	Jerry Pentin, WMA (arrived 3:12 p.m.)
City of San Leandro	Pauline Cutter, WMA, EC
City of Livermore	Laureen Turner, WMA

**Absent:**

City of Union City	Lorrin Ellis, WMA, EC
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**Staff Participating:**

Gary Wolff, Executive Director  
Wendy Sommer, Deputy Executive Director  
Richard Taylor, Counsel, Authority Board  
Arless Dunn, Clerk of the Board

**III. ANNOUNCEMENTS BY THE PRESIDENT**

President Cutter welcomed Councilmember Mike Hannon who was attending as the alternate for the City of Newark and Councilmember Jim Oddie, the new representative for the City of Alameda. Board member Young introduced Dan Walters as the new alternate for Oro Loma Sanitary District.

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

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| <b>1.</b> | <b>Approval of the Draft Joint Minutes of April 22, 2015 (WMA &amp; EC-Separate Votes) (Gary Wolff)</b>                  | <b>Action</b>      |
| <b>2.</b> | <b>Minutes of the April 21, 2015 Technical Advisory Group (TAG) (EC only) (Gary Wolff, Wendy Sommer &amp; Karen Kho)</b> | <b>Information</b> |
| <b>3.</b> | <b>Grants Under \$50,000 (WMA only) (Gary Wolff)</b>   | <b>Information</b> |

Board member Sadoff made the motion to approve the Consent Calendar for the WMA Board. Board member Biddle seconded and the motion carried 12-0 (Ellis, Haggerty, Kalb, Pentin, and Turner absent).

Board member Rood made the motion to approve the Consent Calendar for the Energy Council. Board member Biddle seconded and the motion carried 12-0 (Ellis, Haggerty, and Kalb absent).

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

**VI. REGULAR CALENDAR (WMA & EC)**

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| <b>1.</b> | <b>FY15-16 Budget Adoption (WMA only) (Gary Wolff &amp; Pat Cabrera)</b>   | <b>Action/<br/>Public Hearing</b> |
|           | That the WMA Board hold a public hearing on the budget and then adopt the portion of the FY15-16 budget funded by the WMA Board, pursuant to the attached resolution (Attachment B). |                                   |

Gary Wolff provided a summary of the staff report. The report is available here: <http://stopwaste.org/sites/default/files/meeting/15-16%20Budget%20Packet.pdf>

Board member Chan inquired if revenue from a possible conservation easement on our land can be used to pay down the unfunded pension liability. Mr. Wolff replied that this revenue can be used to support the mission of the agency and stated that he was unaware of any restriction with respect to pension liability, but deferred to legal counsel on this issue. Authority Counsel Richard Taylor agreed with Mr. Wolff. Board member Chan inquired if the agency would need to appropriate funds if the Board decides to proceed with the plastic bag expansion and what is the procedure for doing so. Ms. Sommer stated staff would do a budget amendment and the \$180,000 commitment from the Clean Water Program is applicable only if an ordinance expansion is adopted. The offer from the Clean Water Program would require that we and they enter into a Memorandum of Understanding for reimbursement of costs up to \$180,000 if the ordinance is adopted. Staff will provide details to the Board on the process and the budget amendment in July. Board Member Chan inquired if the \$180,000 is adequate to cover program costs. Ms. Sommers replied no, staff anticipates first year costs at \$215,000 and then will need to determine the cost for subsequent years. Board member Biddle inquired if we will need to look at eliminating or cutting back other programs. Mr. Wolff stated the Board could do that, or if the budget is increased, it will bring closer in time the day when the Board will have to consider an increase in fees or deeper cuts in the core budget than would be necessary otherwise.

Board member Hannon inquired if revenue from fee enforcement is revenue from the fees themselves, or from penalties for failing to pay those fees. Mr. Wolff replied it is primarily from fees owed as we have had to issue very few citations -- which is when penalties apply -- and the penalties collected have been a small percentage of total revenue collected through fee enforcement. Board member Hannon inquired if we have an estimate for uncollected revenue. Mr. Wolff replied based on the 2013 and 2014 calendar year data from the State Reporting System, missed revenue attributable to tons on the \$4.34 facility fee within Alameda County is \$300,000 to \$600,000 per year. Lost revenue is larger if any of those tons should have paid the Measure D fee or member agency franchise fees. Board member Hannon commended staff on fee collection efforts and extended any support that the Cities can provide in this regard.

Board member Cutter inquired how the agency allocates legal fees and if the line item is increased as we pursue other ordinances. Mr. Wolff stated yes it would increase the line item for legal fees if the Board votes to pursue

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expansion of the bag ordinance. Mr. Wolff added that legal fees are estimated by project, e.g. fee enforcement, the reusable bag ordinance, the mandatory recycling ordinance, legal review of all agency contracts as part of general overhead, etc. Board member Cutter asked that Mr. Wolff get back to her with the variation in legal fees from last year to the proposed fiscal year. Mr. Wolff stated that he would do so.

Board member Biddle inquired when the revenue from San Francisco will cease. Mr. Wolff stated roughly in January 2016. Mr. Wolff added that he has heard that Waste Management is still pursuing an extension of their disposal contract with San Francisco, and that he will keep the Board informed about the situation.

Board member Biddle inquired if we should be looking at increasing reserves or creating new reserves to address our future budgetary shortfall. Mr. Wolff replied that the accumulated account balances are enough to cover estimated deficits in the next four fiscal years, but we have not asked the Board to take action to designate those account balances for that purpose.

There were no comments from the public. Board member Turner made the motion to adopt the portion of the FY15-16 budget funded by the WMA Board, pursuant to the attached resolution (Attachment B). Board member Rood seconded and the motion carried 17-0 (Haggerty and Ellis absent).

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| <b>2. Proposed FY 2015/16 Budget (EC only) (Gary Wolff &amp; Pat Cabrera)</b><br>That the EC hold a public hearing on the budget and then adopt the attached attached resolution (Attachment C), which to maximize transparency readopts the entire EC budget for FY 15-16. | <b>Action/<br/>Public Hearing</b> |
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Wendy Sommer stated that the Energy Council continues to perform very well, and that performance was recognized recently by ABAG with an award for preserving and protecting the environment through the BayREN program. The program is performing four times as well as others across the State. Ms. Sommers added that she anticipates continuing to receive funding from the CPUC. Board member Biddle inquired if it will be difficult to project for future years. Ms. Sommers replied it may be but the current grants are for a period of two to three years and we are expecting to receive other grants this year.

There were no comments from the public. Board member Rood made the motion to adopt the attached resolution (Attachment C), which to maximize transparency readopts the entire EC budget for FY 15-16. Board member Biddle seconded and the motion carried 15-0 (Haggerty and Ellis absent).

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| <b>3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (WMA only)</b><br>(P&O and Recycling Board meeting, June 11th at 4:00 pm – StopWaste Offices, 1537 Webster Street, Oakland, CA) |  |
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There were no requests for an interim appointment.

**The Board adjourned to closed session at 3:25 p.m. and returned to open session at 3:45 p.m.**

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| <b>4. CLOSED SESSION (WMA only):</b><br>Pursuant to Government Code Section 54957<br>PUBLIC EMPLOYEE PERFORMANCE EVALUATION<br>Title: Authority Counsel<br>(confidential materials mailed separately) |  |
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There was nothing to report from the closed session.

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| <b>VII. COMMUNICATIONS/MEMBER COMMENTS (WMA &amp; EC)</b> | <b>Information</b> |
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Mr. Wolff acknowledged Supervisor's Miley, Haggerty, and Carson for their tenacity and perseverance in the passage of the pharmaceutical bill. Mr. Wolff announced that over the next two months the WMA/EC agendas may include some very significant items such as funding more work about possible expansion of the bag ordinance, a conservation easement and property leases, etc., and encouraged the Board to attend or to arrange for their alternates to attend.

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

The meeting adjourned at 3:50 p.m.