

AGENDA

Bob Carling, **WMA 1st Vice President/Interim President**

City of Livermore, WMA, EC

Francisco Zermeño, **WMA 2nd Vice President**

City of Hayward, WMA, EC

Jack Balch, **EC President**

City of Pleasanton, WMA, EC

David Haubert, **EC 1st Vice President**

County of Alameda, WMA, EC

Michael Hannon, **EC 2nd Vice President**

City of Newark, WMA, EC

Tracy Jensen, City of Alameda, WMA, EC

Jennifer Hansen-Romero, City of Albany, WMA, EC

Susan Wengraf, City of Berkeley, WMA, EC

Dave Sadoff, Castro Valley Sanitary District, WMA

Melissa Hernandez, City of Dublin, WMA, EC

David Mourra, City of Emeryville, WMA, EC

Yang Shao, City of Fremont, WMA, EC

Dan Kalb, City of Oakland, WMA, EC

Shelia Young, Oro Loma Sanitary District, WMA

Jen Cavanaugh, City of Piedmont, WMA, EC

Fred Simon, City of San Leandro, WMA, EC

Jeff Wang, City of Union City, WMA, EC

Timothy Burroughs, Executive Director

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

**Wednesday, June 28, 2023
3:00 P.M.**

IN-PERSON MEETING LOCATION
STOPWASTE BOARDROOM
1537 WEBSTER STREET, OAKLAND, CA

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

- Teleconference location #1: 3300 Capitol Ave. Building A, Fremont, CA
- Teleconference location #2: City of Pleasanton – 123 Old Bernal, City Mgr. Conf. Rm, Pleasanton, CA
- Teleconference location #3: 118 Glashaus Loop, Emeryville, CA
- Teleconference location #4: Fairfield Inn and Suites lobby, 10971 West Colonial Dr., Ocoee, Florida
- Teleconference location #5: Scott Haggerty Heritage House, 4501 Pleasanton Ave, Pleasanton, CA
- Teleconference location #6: 1404 LeRoy Ave., Berkeley, CA
- Teleconference location #7: David W. Smith City Hall, 37101 Newark Blvd., Conf. Rm #5, Newark, 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 844 5583 9817
2. Using the [Zoom](#) website or App and entering meeting code 844 5583 9817

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, Wednesday, June 27, 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 board or council, but not listed on the agenda. Total time limit of 30 minutes with each speaker limited to three minutes unless a shorter period of time is set by the President.

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. Any member of the public may speak on an item on the Consent Calendar at this time. Public Speakers are limited to three (3) minutes.

Page

1 1. Approval of the Draft WMA & EC Minutes of May 24, 2023

VI. REGULAR CALENDAR

5 1. Executive Director Contract Amendment (Bob Carling, WMA Interim President) That the Waste Management Authority Board amend the Executive Director Employment Agreement.

9 2. Public Hearing and Annual Adoption of Fee Collection Report for Household Hazardous Waste Fee (Pat Cabrera) That the WMA Board hold a public hearing on the Fee Collection Report and approve by resolution the Fee Collection Report for FY 2024.

11 3. Enforcement Ordinance Proposed Changes (Else Lebsack & Rachel Balsley) Staff recommends that following the public hearing the WMA Board introduce and waive the first reading of the attached ordinance and direct staff to place it on the consent calendar for adoption at the next regular meeting of the Board. The ordinance makes minor revisions to the WMA's 2013 enforcement ordinance to facilitate enforcement of violations of Authority legislation together with various typographical revisions.

25 4. Legislative Positions Update for 2023 – Energy-Related Bills (Jennifer West) Adopt positions on the bills listed in the staff report.

29 5. Appointment to fill upcoming vacancy on the Recycling Board (Timothy Burroughs) Staff recommends that the WMA Board fill the vacancy on the Recycling Board by June 28 or July 26, 2023.

33 6. Election of WMA Officers for Fiscal Year 2024 (Timothy Burroughs) Staff recommends that the WMA Board elect officers for Fiscal Year 2024.

35 7. Election of EC Officers for Fiscal Year 2024 (Timothy Burroughs) Staff recommends that the Energy Council elect officers for Fiscal Year 2024.

8. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliss Dunn) (The Planning Committee/Recycling Board meeting on Thursday, July 13, 2023 at 6:00 p.m. LEAF C.R. Stone Garden, 55 Mowry Ave, Fremont, CA 94536)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. ADJOURNMENT – to JULY 26, 2023 at 3:00 P.M.

DRAFT

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

Wednesday, May 24, 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 3:00 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

County of Alameda	David Haubert, WMA, EC
City of Alameda	Tracy Jensen, WMA, EC
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
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	Treva Reid, WMA, EC, RB (alternate)
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Jen Cavanaugh, WMA, EC
City of Pleasanton	Jack Balch, WMA, EC (EC President)
City of San Leandro	Fred Simon, WMA, EC
City of Union City	Jeff Wang, WMA, EC

Staff Participating

Timothy Burroughs, Executive Director
Pat Cabrera, Administrative Services Director
Alma Freeman, Communications Manager
Justin Lehrer, Operations Manager
Jennifer West, Program Manager
Arliss Dunn, Clerk of the Board
Adrienne Ramirez, Assistant Clerk of the Board
Deborah Miller, WMA Legal Counsel

Others Participating:

Pricilla Quiroz, Shaw Yoder Antwih Schmelzer & Lange

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 Joint WMA, EC, & RB Minutes of April 26, 2023

2. 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.

3. 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.

There were no public comments for the Consent Calendar. Board member Young moved approval of the Consent Calendar and Board member Zermeño seconded.

The Clerk called the roll: WMA Vote: 17-0 and EC Vote: 17-0.

(Ayes: Balch, Carling, Cavanaugh, Hannon, Hansen-Romero, Haubert, Hernandez, Jensen, Mourra, Sadoff, Shao, Simon, Wang, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: Kalb)

VI. REGULAR CALENDAR

1. 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).

Mr. Burroughs stated that the combined FY 2024 budget was presented at the joint meeting of the WMA, EC & RB on April 26. The combined proposed FY 2024 budget totals approximately \$38 million. There were no changes to the budget at that meeting and staff is recommending that the WMA adopt its portion of the proposed budget totaling approximately \$16.6 million, and the Energy Council proposed budget totaling approximately \$10.7 million. The WMA Resolution also authorizes the FY 2024 salary schedule and authorized staff positions as well as new or augmented contracts. A link to the staff report is available here: [FY-2024-Budget-memo.pdf](#). Additional time was provided to the Board for discussion and clarifying questions. An audio link to the discussion is available here: [FY-2024-Budget-Discussion](#). Mr. Burroughs thanked the Board for their direction and guidance and thanked staff for their efforts in producing a budget that reflects our values. Interim President Carling opened the public hearing. There were no public comments on this item and the public hearing was closed.

Board member Sadoff moved approval of the WMA FY 2024 Budget Resolution (Attachment A) and Board member Wengraf seconded. The motion carried 20-0. The Clerk called the roll:

(Ayes: Balch, Carling, Cavanaugh, Hannon, Hansen-Romero, Haubert, Hernandez, Jensen, Kalb, Mourra, Sadoff, Shao, Simon, Wang, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: None)

Board member Kalb moved approval of the EC FY 2024 Budget Resolution (Attachment B) and Board member Jensen seconded. The motion carried 20-0. The Clerk called the roll:

(Ayes: Balch, Carling, Cavanaugh, Hannon, Hansen-Romero, Haubert, Hernandez, Jensen, Kalb, Mourra, Shao, Simon, Wang, Wengraf, Zermeño. Nays: None. Abstained: None. Absent: None)

2. 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.

Timothy Burroughs introduced the item and Jennifer West presented the proposed legislative bill positions for 2023. A link to the staff report is available here: [2023-Legislative-Positions-memo.pdf](#). Priscilla Quiroz, Agency lobbyist, was present to answer any questions. Additional time was provided to the Board for discussion and clarifying questions. An audio link to the discussion is available here: [2023-Legislative-Positions-Discussion](#).

Board member Mourra stated that StopWaste is a strong proponent of electrification and asked that the Board direct staff to provide additional information regarding SB 420 and SB 619. Mr. Burroughs stated that staff would provide information on these bills in the June board packet. Board member Balch recommended that staff coordinate with East Bay Community Energy regarding this information. Board member Wengraf requested that staff also provide additional information on SB 233. There were no public comments on this item.

Board member Kalb moved to approve the amended staff recommendation to adopt the positions outlined in the staff memo with the following changes:

- Remove SB 527 – Died
- Remove SB 537 -Brown Act Bill
- Remove SB 682 – Died
- Remove SB 414 – Guttled/Changed
- Add SB 676 – Replacement Artificial Turf Bill

Board member Cavanaugh seconded, and the motion carried 20-0. The Clerk called the roll.

(Ayes: Balch, Carling, Cavanaugh, Hannon, Hansen-Romero, Haubert, Hernandez, Jensen, Kalb, Mourra, Sadoff, Shao, Simon, Wang, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: None)

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, June 8, 2023 at 4:00 p.m. The meeting will be held at StopWaste, 1537 Webster St., Oakland, CA)

There was no action required for this item.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Mr. Burroughs announced the monthly topic brief highlighting the Household Hazardous Waste Program (HHW). A link to the topic brief is available [here](#). There are two upcoming HHW drop-off events located in Albany at the Golden Gate Fields Racetrack on June 25, and the Oakland Coliseum on June 9. Mr. Burroughs directed the Board to the [Gardening Events Calendar](#) on the agency website.

Board member Mourra requested clarification regarding the interim appointment process for WMA members serving on the Recycling Board. Ms. Dunn explained that a WMA alternate is not eligible to serve as an interim appointment to the Recycling Board. The County Charter requires that the WMA Board appoint a sitting WMA member to serve as an interim appointment.

VIII. CLOSED SESSION (WMA only)

There were no public comments for the closed sessions. The Board adjourned to closed session at 4:05 p.m.

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

There was nothing to report from the closed session.

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)

Direction was given to the negotiators.

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

The meeting adjourned at 4:47 p.m.

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DATE: June 28, 2023
TO: Waste Management Authority Board
FROM: Bob Carling, WMA Interim President
SUBJECT: Executive Director Contract Amendment

SUMMARY

At the WMA meeting in May, the Board reviewed the annual performance evaluation for Executive Director Timothy Burroughs. The performance evaluation was conducted by an Evaluation Team that included Board Members Francisco Zermeño (2nd Vice President), Jack Balch (Energy Council President), Shelia Young (immediate Past President), and me.

Based on his outstanding performance and input from the full Board, the Evaluation Team recommends a 5.0% salary increase (\$13,676) for fiscal year 2024, effective the first pay period for FY 2024. In addition, the evaluation team recommends that the employment agreement be amended to reflect that he shall earn 80 hours per year of management leave.

RECOMMENDATION

That the Waste Management Authority Board amend the Executive Director Employment Agreement.

Attachment:

Amendment to Agreement for Employment as Executive Director of the Alameda County Waste Management Authority

**AMENDMENT TO
AGREEMENT FOR EMPLOYMENT AS EXECUTIVE DIRECTOR
OF THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY**

This agreement is between the ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY ("WMA") and Timothy Burroughs ("Employee") and provides:

WHEREAS, WMA hired Employee as Executive Director of WMA beginning on July 12, 2021, pursuant to an agreement dated May 20, 2021 ("Employment Agreement") and amended in 2022; and

WHEREAS, WMA desires to continue to employ Employee as Executive Director and amend the Employment Agreement based on Employee's positive annual review for 2022/23 by increasing Employee's salary by 5.0% from \$273,520 per year to \$287,196 per year effective June 25, 2023 (first pay period in July consistent with pay adjustments for Authority staff).

NOW THEREFORE, in consideration of the mutual covenants contained herein the parties agree as follows:

1. Section 5(a) of the Employment Agreement is amended as shown below:

5. SALARY.

- (a) Effective July 1, 2023, WMA agrees to pay Employee ~~\$273,520 (Two hundred seventy three thousand five hundred twenty dollars)~~ **\$287,196 (Two hundred eighty seven thousand one hundred ninety six dollars)** per annum ("salary") for his services, payable in installments at the same time as other employees of WMA are paid. WMA may increase this base salary based on the results of the performance evaluation as described in Section 7.

2. Section 6 of the Employment Agreement is amended as shown below:

6. BENEFITS.

Upon the Effective Date, Employee shall accrue vacation at the rate of 6.154 hours per pay period (currently the top tier for vacation accruals), retain all benefits accrued from his current employment by WMA, and continue to receive the same benefits as received by other WMA employees in exempt positions **except that he shall earn 80 hours per year of management leave.**

3. All other terms of the Employment Agreement remain in full force and effect.
4. This Agreement may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, "electronic signature" shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

[Continued next page]

WMA:

By: _____
Bob Carling, Interim President
Alameda County Waste Management Authority

Date: _____

APPROVED AS TO FORM:

By: _____
Richard S. Taylor
Authority Counsel

Date: _____

EMPLOYEE:

By: _____
Timothy Burroughs

Date: _____

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DATE: June 28, 2023

TO: Waste Management Authority Board

FROM: Pat Cabrera, Administrative Services Director

SUBJECT: Public Hearing and Annual Adoption of Fee Collection Report for Household Hazardous Waste Fee

SUMMARY

At the June 28 Waste Management Authority (WMA) Board meeting, staff will ask the Board to approve the FY 2024 Fee Collection Report, as required annually by the Household Hazardous Waste (HHW) Collection and Disposal Fee Ordinance. The Fee Collection Report lists all the parcels in Alameda County subject to the HHW fee, together with the fee amount for the parcel.

BACKGROUND

At the May 29, 2014, WMA meeting, the Board adopted HHW Ordinance 2014-1: "Ordinance Establishing a Household Hazardous Waste Collection and Disposal Fee." This fee, in combination with the HHW landfill tip fee, supports the four HHW facilities (Fremont, Hayward, Livermore, and Oakland), as well as annual one-day collection events throughout the county.

Under the Ordinance, a Fee Collection Report (FCR) must be approved by the WMA Board each year prior to placing the fee on the Alameda County property tax roll. A proposed FCR was publicly noticed earlier this month. The purpose of the notice of the proposed FCR is to allow residential property owners subject to the fee to provide updated information about the number of units on their property, since the fee applies to each unit. The 2023 Fee Collection Report includes changes that property owners have requested throughout the year and during the review of the 2023 Fee Collection Report. Requests for changes have been included in the proposed FCR as indicated in the draft linked below. The Fee Collection Report lists all the parcels in Alameda County subject to the fee together with the fee amount for the parcel. The 2023 Fee Collection Report may be viewed at: [FY-2024-Fee-Collection-Report](#) (*please be aware that the file is very large and will take time to download*).

As background, the fee was initially set at \$9.55 per residential unit per year, subject to an annual recalculation. On September 25, 2019, the Board amended Ordinance 2014-01 to remove the annual fee recalculation and lower the fee to \$6.64 per residential unit per year. This annual fee will be effective through June 30, 2024, at which point it will be recalculated for the subsequent five years based on HHW program operational and funding needs, subject to the \$9.55 cap in the Ordinance.

RECOMMENDATION

That the WMA Board hold a public hearing on the Fee Collection Report and approve by resolution the Fee Collection Report for FY 2024.

Attachment: Resolution Adopting the Fee Collection Report

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
RESOLUTION #WMA 2023 - 06**

**MOVED:
SECONDED:**

**AT THE MEETING HELD JUNE 28, 2023
THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY AUTHORIZES ANNUAL ADOPTION OF
THE FEE COLLECTION REPORT**

WHEREAS, the Household Hazardous Waste Collection and Disposal Fee Ordinance (adopted by Ordinance 2014-01 and amended by Ordinance 2019-01) establishes a Household Hazardous Waste Collection and Disposal Fee, and

WHEREAS, the current annual fee is \$6.64 per household, and

WHEREAS, the ordinance requires that a Fee Collection Report describing each parcel of real property with one or more households served by the Household Hazardous Waste Collection and Disposal Program, the number of households on each parcel described, the amount of the charge for each parcel for the year, and whether the Fee is to be collected on the tax roll or by other means be approved by the WMA Board each year prior to placing the fee on the Alameda County property tax roll, and

WHEREAS, legal notice of the public hearing of the Fee Collection Report has been provided, and the matter scheduled on the June 28, 2023, Waste Management Authority agenda for adoption.

NOW THEREFORE, BE IT RESOLVED that the Alameda County Waste Management Authority hereby approves the annual Fee Collection Report.

Passed and adopted this 28th day of June 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Arliss Dunn, Clerk of the Board



DATE: June 28, 2023

TO: Waste Management Authority (WMA) Board

FROM: Elese Lebsack, Program Manager/Enforcement Lead
Rachel Balsley, Senior Program Manager

SUBJECT: Enforcement Ordinance Proposed Changes

SUMMARY

On June 8, 2023, the Programs and Administration (P&A) Committee recommended the WMA Board adopt Ordinance 2023-01, which makes minor revisions to the WMA's 2013 enforcement ordinance to facilitate enforcement of violations of Authority legislation together with various typographical revisions.

DISCUSSION

By a vote of 11-0, the P&A Committee reviewed and recommended forwarding for adoption the attached ordinance amending Ordinance 2013-01, An Ordinance Regarding Enforcement of Ordinances and Resolutions. The changes include:

- Increasing operational flexibility in the administration of enforcement:
 - Allowing Notices of Violation (Warning) letters and Administrative Citations to be mailed first class rather than certified mail with return receipt.
 - Removing requirements for enforcement letters to contain name and signature of the issuing Enforcement Officer, and deadline for correction from the Notice of Violation.
 - Removing requirement for citation dismissals to be sent by mail.
 - Allowing a designee of the Enforcement Officer to attend a citation hearing.
- Minor typographical revisions.

The report submitted to the P&A Committee is available at the following link: [Enforcement Ordinance 2013-01 Proposed Amendments 6-2023](#)

Copies of the SB 1383/Organics Reduction and Recycling Ordinance (ORRO) enforcement letters can be found on the StopWaste website at www.StopWaste.org/Rules-Comply.

RECOMMENDATION

Staff recommends that following the public hearing the WMA Board introduce and waive the first reading of the attached ordinance and direct staff to place it on the consent calendar for adoption at the next regular meeting of the Board. The ordinance makes minor revisions to the WMA's 2013 enforcement ordinance to facilitate enforcement of violations of Authority legislation together with various typographical revisions.

Attachments

Attachment A: Draft Amended Ordinance

**ORDINANCE 2023-01
AMENDING ORDINANCE 2013-01**

**ORDINANCE REGARDING ENFORCEMENT OF ORDINANCES AND
RESOLUTIONS**

The Board of the Alameda County Waste Management Authority (“WMA”) finds that:

1. In 2013 the WMA adopted Ordinance 2013-01, the Ordinance Regarding Enforcement of Ordinances and Resolutions. Based on experience implementing the ordinance over the prior decade, the Authority wishes to make minor revisions to facilitate enforcement of violations of Authority legislation together with various typographical revisions.
2. The Board of the Alameda County Waste Management Authority held a public meeting on June 28, 2023 to consider this ordinance, and after considering all testimony and written materials provided in connection with that meeting introduced this ordinance and waived the reading thereof.

Therefore, the Board of the Authority hereby ordains as follows:

Section 1. Amendment.

Ordinance 2013-01 is hereby amended as shown in Exhibit A. Text to be added is indicated in bold underlined font (e.g., **underlined**) and text to be deleted is indicated in strikeout font (e.g., ~~strikeout~~).

Section 2. Severability.

If any provision of this Ordinance or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 3. Publication.

Within 15 days after adoption, a summary of the ordinance with the names of those voting for and against, the ordinance shall be published and a certified copy of the full text with the names of those voting for and against the ordinance shall be posted in the office of the Clerk of the Board and shall become effective thirty (30) days after adoption.

- Continued on following page -

Following introduction on June 28, 2023, passed and adopted July 26, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of
ORDINANCE NO. 2023-01.

ARLISS DUNN
CLERK OF THE BOARD

Exhibit A

**ORDINANCE 2013-01
as amended by Ordinance 2023-01**

**AN ORDINANCE REGARDING ENFORCEMENT
OF ORDINANCES AND RESOLUTIONS**

The Board of the Alameda County Waste Management Authority ordains as follows:

SECTION 1 (Enactment)

The Board of the Authority does hereby enact this Ordinance in full consisting of Sections 1 through 9.

SECTION 2 (Findings)

The Authority finds that:

- (a) The Authority has adopted various ordinances and resolutions requiring and proscribing various forms of conduct.
- (b) This Ordinance authorizes enforcement of those ordinances and certain resolutions that do not specifically provide for enforcement and specifies the forms of enforcement that may be used in connection with violations of Authority ordinances and certain resolutions.

SECTION 3 (Definitions)

The following definitions govern the use of terms in this Ordinance:

- (a) “Alameda County” or “County” means all of the territory located within the incorporated and unincorporated areas of Alameda County.
- (b) “Arrest” has the meaning stated in California Penal Code section 834 or the initiation of an accusatory process (for example, issuing a notice of violation).
- (c) “Authority” means the Alameda County Waste Management Authority created by the Joint Exercise of Powers Agreement for Waste Management.
- (d) “Board” means the governing body of the Authority made up of elected representatives of the member agencies pursuant to the Joint Exercise of Powers Agreement for Waste Management.

(e) “Citation” means an administrative citation that is issued to a Responsible Person pursuant to this Ordinance. “Citee” means a Responsible Person to whom a citation is issued.

(f) “Administrative fine” is the monetary sanction that is imposed by a citation.

(g) “Enforcement Officer” means the Executive Director or any officer, agent or employee of the Authority designated by the Executive Director to have the authority and responsibility to enforce Legislation.

(h) “Executive Director” means the individual appointed by the Board to act as head of staff or a person designated by the Executive Director in writing to act on his or her behalf in administering this Ordinance.

(i) “Hearing Administrator” means the individual appointed by the Executive Director to administer requests for hearings.

(j) “Hearing Officer” means a person, agency or body designated by the Hearing Administrator to consider all timely requests for an administrative hearing upon issuance of a citation.

(k) “Notice of violation” means a written notice to a Responsible Person that a violation of Legislation has occurred. This notice may include a warning that a citation assessing fines may be issued unless the violation is terminated or abated.

(l) “Legislation” means any resolution requiring submittal of information or payment to the Authority and any ordinance adopted by the Authority.

(m) “Person” means an individual, firm, Limited Liability Company, association, partnership, industry, Private Corporation, or any other non-public entity whatsoever.

(n) “Property” or “premises” means any real property, or improvements thereon, or portions thereof, as the case may be. "Property" includes any parkway or unimproved public easement abutting such real property. "Property" shall also include all forms of personal property or animals, where applicable.

(o) “Responsible Person” means any person, whether as an owner, lessee, licensee, or otherwise, that allows, causes, creates, maintains, or permits a violation of Legislation to exist or continue, by any act or the omission of any act or duty.

(p) “Violation” means an act or omission of any act, or use or condition that constitutes an offense of Legislation, as well as a breach or violation of any condition of a permit, approval or license issued pursuant to Legislation. A "transient" violation is one that is brief or spontaneous in its commission, or that is not typically confined to a fixed location. A "non-transient" violation is continuing in nature and generally present at one location and is also described as a "continuing" violation.

SECTION 4 In General

(a) This Ordinance shall apply to enforcement of all Legislation, provided, however, that this Ordinance supplements and does not supersede the provisions of Legislation. To the extent this Ordinance and Legislation provide for enforcement, the provisions of both the Legislation and this Ordinance shall be applied. If there is a difference between the provisions of this Ordinance and the Legislation being enforced such that the provisions cannot both be applied, the provisions of the Legislation shall be applied and the conflicting provisions of this Ordinance shall not be applied. The Executive Director is authorized to promulgate procedural rules and regulations governing the enforcement process consistent with this Ordinance and applicable law.

(b) It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of any Legislation or any rule, regulation or order promulgated or issued pursuant to such Legislation. Whenever in Legislation any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing such act or omission. Any person violating any of such provisions or failing to comply with any of such requirements shall be guilty of a misdemeanor or an infraction and subject to administrative fines and civil enforcement actions. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued, or permitted by such person, and shall be punishable accordingly. In the discretion of the Executive Director violations may be enforced through administrative penalties, civil enforcement, or criminal action as set forth below.

(c) A violation shall be deemed an infraction if a citation or notice to appear in court is issued specifying that the violation is an infraction, the prosecuting attorney files a complaint in the Superior Court specifying that the offense is an infraction, or the prosecuting attorney makes a motion to reduce a misdemeanor to an infraction prior to trial on the matter.

SECTION 5 Administrative Fines

(a) Any violation of any Legislation or any rule, regulation or order promulgated or issued pursuant to such Legislation is subject to administrative fines. Use of this Section 5 shall be at the sole discretion of the Authority and is one remedy that the Authority has to address violations of Legislation. This section establishes the administrative procedures for the imposition, enforcement, collection and administrative review of administrative fines pursuant to California Government Code Section 53069.4. Failure of a Citee to comply with a corrective action stated in any uncontested citation, or with regard to a correction order in any Hearing Officer's decision that is deemed confirmed, shall constitute a misdemeanor.

(b) An administrative fine shall be imposed by means of a citation issued by an Enforcement Officer and shall be paid directly to the Authority. Payment of a fine shall not excuse a failure to correct a violation nor shall it bar further enforcement action by the Authority.

(c) When an Enforcement Officer determines that a Responsible Person has committed a violation of Legislation, the Enforcement Officer may issue a notice of violation to the Responsible Person. Such notice shall serve as a written warning of responsibility and require immediate action by the Responsible Person to abate the violation. The notice of violation shall specify a date by which the violation can reasonably be abated. Such date shall be not less than six (6) calendar days after the notice of violation unless the violation creates an immediate danger to health or safety. If, after the date for correction specified in the notice of violation, the violation is not abated, or subsequent violations of the same type occur or re-occur, the Enforcement Officer may issue a citation assessing fines in accordance with this Ordinance.

(d) A notice of violation shall include:

- (1) Name and mailing address of the Responsible Person;
- (2) The address or description of the location of the violation;
- (3) The date of commission of the violation(s) or detection thereof by an Enforcement Officer;
- (4) Legislation provision(s) violated;
- (5) A description of the violation(s);
- (6) The action(s) required to correct the violation(s) and any deadlines or time limitations for commencing and completing such action(s);
- (7) Possible amount of the fine for each violation, and the procedure and place to pay the fine(s), and any late charge(s), if not timely paid;
- ~~(8) The name and signature of the Enforcement Officer issuing the notice of violation; and~~
- (89) Any other information deemed necessary by the Enforcement Officer.

(e) On such form as may be provided for by the Executive Director, any Responsible Person receiving a notice of violation for a violation that does not cause immediate danger to health or safety may petition the Enforcement Officer for an extension of time or amendment of the prescribed corrective action to correct the violation so long as the petition is received before the end of the period allowed for correction, as stated in the notice of violation. The Enforcement Officer may, in the Enforcement Officer's sole discretion, grant an extension of time to correct the violation or amendment of the prescribed corrective action if the Enforcement Officer determines that the Responsible Person has supplied sufficient evidence showing that the correction cannot reasonably be made within the stated period or that the amended corrective action will comply with the requirements of the Legislation. The Enforcement Officer's decision shall be final and, notwithstanding any other provision of Legislation, not subject to appeal except in an appeal challenging the issuance of a citation.

(f) Whenever an Enforcement Officer determines that a violation of Legislation has

occurred, the Enforcement Officer may issue a citation on a form approved by the Executive Director imposing an administrative fine or fines to the Responsible Person(s) in accordance with the provisions of this Ordinance. The citation shall be issued following the correction period specified in the notice of violation or, if the violation creates an immediate danger to health or safety, concurrently with the notice of violation. An Enforcement Officer may issue a notice of violation and/or a citation for a violation not committed in the Enforcement Officer's presence if the Enforcement Officer has determined, through investigation, that the Citee did commit, or is otherwise responsible for, the violation. The Enforcement Officer may dismiss a citation at any time if a determination is made that it was issued in error, in which event any deposit of a fine shall be refunded. ~~Notice of such action shall be given to the Citee in writing.~~

(g) Each day on which a transient violation occurs and each day upon which a non-transient violation continues, shall be a separate violation for which a citation may be issued. A citation may charge several violations of Legislation.

(h) Each citation shall contain the information listed in section 5(d), subsections 1-6 and:

(1) The date the notice of violation was issued ~~and the date that notice set for correction of the violation;~~

(2) Amount of the fine for each violation, and the procedure and place to pay the fine(s), and any late charge(s), if not timely paid;

(3) When appropriate, the action(s) required to correct the violation(s), and, if applicable, any deadlines or time limitations for commencing and completing such action(s);

(4) A description of the citation review process and the manner by which a hearing on a citation may be obtained (including ~~the form to be used and~~ the period in which a request must be made in order to be timely); and

~~(5) The name and signature of the Enforcement Officer issuing the notice of violation; and~~

~~(56)~~ Any other information deemed necessary by the Enforcement Officer.

(i) The Enforcement Officer may issue a notice of violation, citation, or any other notice, order, or other document required to be given by this Ordinance by personal service, mail, or posting as specified below.

(1) For personal service the Enforcement Officer shall attempt to locate and personally serve the Responsible Person and obtain the signature of the Responsible Person on the citation. If the Responsible Person served refuses or fails to sign the document(s) served, the failure or refusal to sign shall not affect the validity of the citation or of subsequent proceedings. If an agent, manager or representative of a Responsible Person is personally served, a copy of the document(s) served shall also be served by first class mail to the Responsible Person at his/her last-known business or residence address as

the same appears in the records of the Authority, or, if the Authority lacks such records, the County. In such instances, the date a copy of the document(s) served is deposited with the U.S. Postal Service shall constitute the issuance date.

(2) For service by mail the Enforcement Officer shall mail the document(s) being served by ~~certified~~ **first class** mail, ~~postage prepaid with a requested return receipt~~ at the recipient's last-known business or residence address as the same appears in ~~public~~ records of the Authority, or, if the Authority lacks such records, the records of Alameda County. ~~Simultaneously, the citation may be sent by first class mail. If the document(s) is sent by certified mail and the certification is returned unsigned, then s~~Service shall be deemed effective ~~pursuant to first class mail~~, provided the document(s) sent by first class mail is not returned.

(3) For violations involving real property, if the Enforcement Officer is not able to serve the responsible party in person or by mail, the Enforcement Officer shall post the document(s) to be served on any real property within ~~the Authority~~ **Alameda County** in which the Authority has knowledge that the Responsible Person has a legal interest or possession, dominion and control of, such property, or a portion thereof. Such posting shall be deemed effective service, and the date of posting shall constitute the date of service.

(j) Where no fine amount is specified by Legislation, the following fines shall apply:

(1) For misdemeanors a fine not exceeding five hundred dollars (\$500) per day for a first violation, a fine not exceeding seven hundred fifty dollars (\$750) per day for a second violation of the same ordinance or permit within one year from the date of the first violation; and a fine not exceeding one thousand dollars (\$1000) per day for each additional violation of the same ordinance or permit within one year from the date of the first violation; and

(2) For infractions a fine not exceeding one hundred dollars (\$100) per day for a first violation, a fine not exceeding two hundred dollars (\$200) per day for a second violation of the same ordinance or permit within one year from the date of the first violation; and a fine not exceeding five hundred dollars (\$500) per day for each additional violation of the same ordinance or permit within one year from the date of the first violation.

Separate fines shall apply for each separate violation, however, in the event that multiple violations are found to occur as a result of an investigation, each such violation listed in the first citation following the investigation shall be considered a "first violation".

(k) Administrative fines and any late charges due shall be paid to the Authority at such location or address as stated in the citation, or as may otherwise be designated by the Executive Director. The due date for the Authority's receipt of an administrative fine shall be thirty calendar days from the issuance date of a citation. Thereafter, a late charge shall be due and owing.

(l) Payment of an administrative fine shall not excuse or discharge a Citee from the duty to immediately abate a violation of Legislation, nor from any other responsibility or legal

consequences for a continuation or repeated occurrence(s) of a violation of Legislation. Abatement of a violation shall not excuse the obligation of a Citee to pay an administrative fine, or any late charge.

(m) Unpaid administrative fines and/or late charges shall constitute a debt that may be collected in any manner allowed by law.

(n) Any Citee may contest the issuance of a citation by filing a request for an administrative hearing with the Hearing Administrator of the Authority. The request for an administrative hearing shall be made on an Authority-approved form and filed within fifteen calendar days from the issuance date of a citation. If the Hearing Administrator does not receive the request in the required period, the Citee shall have waived the right to a hearing and the citation and fine shall be deemed final. No fee shall be charged for the filing of a request for a hearing.

(o) Requests for a hearing shall be accompanied by the entire amount of the fine stated in the citation. Failure to deposit a fine, or the tender of a nonnegotiable check in the required period, shall render a request for an administrative hearing incomplete and untimely. Fines that are deposited with the Authority shall not accrue interest. Fines deposited shall be returned to the person tendering the fines within thirty days in the event a citation is overturned.

(p) The Hearing Administrator shall designate or appoint, in accordance with applicable law, a Hearing Officer. The employment, performance evaluation, compensation, and benefits of the Hearing Administrator and Hearing Officer, if any, shall not be directly or indirectly conditioned upon the amount of citation fines upheld by the Hearing Officer.

(q) Hearings shall be attended by the Enforcement Officer or designee and the Citee (or authorized representative of Citee) and conducted pursuant to reasonable procedures to be established by the Hearing Officer. After considering all of the testimony and evidence submitted at a hearing, the Hearing Officer shall issue an administrative order at the conclusion of the hearing or within fifteen days to uphold or overturn the citation and shall state the reasons thereof. If the citation is upheld and the violation has not been fully corrected as of the date of the hearing, the Hearing Officer shall order correction thereof in the decision and state deadline(s) to complete such action(s). The decision of the Hearing Officer shall be final. All fines shall become immediately due and owing to the Authority in the full amount and if not paid may be collected in accordance with law.

(r) The Superior Court is the sole reviewing authority and an appeal from a Hearing Officer's decision is not appealable to the Authority Board. If a Responsible Person prevails on appeal, the Authority shall reimburse that person's fine deposit in accordance with the court judgment. These monies shall be mailed to the Responsible Person within thirty calendar days of the Authority's receipt of a notice of judgment or ruling from the Superior Court Clerk.

(s) The Authority may use all available legal means to collect past due fines and other related costs. Any person who fails to pay any fine shall be liable in any action or collection procedure brought by the Authority for all costs incurred to obtain payment of the delinquent amount, including, but not limited to, administrative costs, collection costs, and attorneys' fees. Collection costs shall be in addition to any penalties, interest and late charges imposed upon the

delinquent obligation. Commencement of an action to collect a delinquent fine shall not preclude issuance of one or more additional citations to the legally Responsible Person if the violation or violations persist after the date for correcting them as stated in the administrative order.

SECTION 6 Civil Enforcement

(a) The amount of any fee or charge of any nature whatsoever imposed by any Legislation or any rule, regulation or order promulgated or issued pursuant to such Legislation, shall be deemed a civil debt owing to the Authority. An action may be commenced in the name of the Authority in any court of competent jurisdiction for the collection of the amount of any such delinquent or unpaid fee or charge together with any penalties applicable thereto in addition to injunctive relief. The remedy prescribed by this Section shall be cumulative and the use of a civil action to collect such amount as a debt shall not bar the use of any other remedy available to the Authority for the collection thereof.

(b) Wherever the Authority Counsel is authorized or directed to commence or sustain any civil action or proceeding, either at law or in equity, to enforce any Legislation, or any rule, regulation or order promulgated or issued pursuant to such Legislation, or to enjoin or restrain any violation thereof, or otherwise to abate any public nuisance, or to collect any sums of money on behalf of the Authority, then the Authority shall be entitled to collect all the costs and expenses of the same. The prevailing party shall be entitled to recover reasonable attorneys' fees and costs; provided that attorneys' fees shall only be available in an action or proceeding in which the Authority has elected, at the commencement of such action or proceeding, to seek recovery of its own attorneys' fees. In no action or proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the Authority in the action or proceeding.

SECTION 7 Criminal Enforcement

(a) It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of Legislation, or any rule, regulation or order promulgated or issued pursuant to such Legislation. Any person violating any of such provisions or failing to comply with any of such requirements shall be guilty of a misdemeanor or if specified as such in the Legislation, an infraction. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued, or permitted by such person, and shall be punishable accordingly.

(b) Notwithstanding subsection (a) of this Section or any other provision of Legislation, any violation constituting a misdemeanor may, in the discretion of the Enforcement Officer or the prosecuting attorney be charged and prosecuted as an infraction.

(c) Where no specific penalty is provided therefore, any person convicted of a misdemeanor under the provisions of Legislation shall be punishable by a fine of not more than five hundred dollars (\$500) for the first violation, of not more than seven hundred and fifty dollars (\$750) for the second violation within one year, and of not more than one thousand dollars (\$1000) for each additional violation within one year or by imprisonment in the County Jail for a period not

exceeding six months, or by both such fine and imprisonment.

(d) Any person convicted of an infraction shall be punishable for a first conviction by a fine of not more than one hundred dollars (\$100), for a second conviction of the same ordinance within a period of one year by a fine of not more than two hundred dollars (\$200), and for a third or any subsequent conviction of the same ordinance within a period of one year by a fine of not more than five hundred dollars (\$500).

(e) Enforcement Officers are hereby authorized, pursuant to Section 836.5 of the Penal Code, to arrest a person without a warrant whenever any such Enforcement officer has reasonable cause to believe that the person to be arrested has committed a misdemeanor or infraction in the presence of the Enforcement Officer which is a violation of Legislation or any rule, regulation or order promulgated or issued pursuant to such Legislation which the Enforcement Officer is authorized to enforce.

(f) Each Enforcement Officer is authorized to enforce the provisions of this Ordinance, other Legislation, and any rule, regulation or order promulgated or issued pursuant to such Legislation. The Executive Director, may, from time to time, add to, change or modify the duties of Enforcement Officers, and may create priorities of enforcement to protect the public health, safety, and welfare.

(g) If any person is arrested for a violation of any provision of Legislation, or any rule, regulation or order promulgated or issued pursuant to such Legislation, and such person is not immediately taken before a magistrate as prescribed by the Penal Code, the arresting Enforcement Officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person arrested, and the offense charged. If the violation is designated as a misdemeanor, the notice shall also specify the time and place where the arrested person shall appear in court, which shall be a date at least ten days after the date of arrest. The arresting Enforcement Officer shall deliver one copy of the notice to the arrested person, and the arrested person, in order to secure release, must give ~~his~~their written promise to appear in court by signing the duplicate notice which shall be retained by the arresting Enforcement Officer. Thereupon the arresting Enforcement Officer shall release the person arrested from custody. The arresting Enforcement Officer shall, as soon as practicable, file the duplicate notice with the magistrate specified in such notice.

(h) Upon any guilty plea or judgment of conviction in any criminal proceeding brought for the violation of any provision of Legislation, or any rule, regulation or order promulgated or issued pursuant to such Legislation, wherein the Authority has or will incur costs and expenses in removing or abating a nuisance caused, committed or maintained by the defendant as a result of such violation for which the defendant is prosecuted, if the defendant is otherwise entitled by law to probation, then the court may require the payment to the Authority of such costs and expenses as one of the conditions of such probation.

SECTION 8 Severability

If any provision of this Ordinance or its application to any situation is held to be invalid,

the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9 Effective Date

This Ordinance shall be posted at the Authority Office after its second reading by the Board for at least thirty (30) days and shall become effective thirty (30) days after the second reading.



DATE: June 28, 2023

TO: Energy Council

FROM: Jennifer West, Program Manager

SUBJECT: Legislative Positions Update for 2023 – Energy-Related Bills

SUMMARY:

At the [March 22](#) and the [May 24, 2023](#), meetings, the Waste Management Authority (WMA) Board adopted several bill positions for the current state legislative cycle. On May 24, the Board also directed staff to prepare summaries of three additional bills so the Energy Council Board could consider taking positions on those bills at its June 28 meeting. Each of the three bills relate to increasing access to clean electricity. Summaries of the bills and recommended positions are included below.

DISCUSSION:

At its January 2023 meeting, the Waste Management Authority 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

Working with Shaw Yoder Antwih Schmelzer and Lange (our contract lobbyist in Sacramento), StopWaste provides input on priority bills throughout the legislative process, consistent with these priorities and the Agency’s mission.

At this point in the current legislative cycle, bills are being considered in the second house – either the Assembly or the Senate. Bills must be passed by the Legislature and sent to the Governor by September 14, to be signed or vetoed by October 14.

The three bills that the WMA Board requested to review at the June meeting are summarized below. Because the bills focus on energy issues this is being presented for review by the Energy Council Board. Staff recommends that the Energy Council remain neutral on these bills. The rationale for this recommendation is that the bills focus on issues related to accelerating clean

electricity transmission as well as battery storage. These are important issues and, based on staff understanding, have the potential to help the state accelerate the transition to clean electricity, among other benefits. However, the bills focus on issues that fall outside of the Agency’s strategic priorities and main expertise. There are other agencies who focus more squarely on these issues. While StopWaste does advance work related to electrification, which depends on adequate supply of clean electricity, our Agency’s role focuses on building-level policies and programs, such as incentives and home energy assessments. East Bay Clean Energy is not taking a position on these bills.

StopWaste bill positions:

Support	Support positions can range from signing joint support letters, submitting our own support letters, testifying in committees, and/or providing input on bill language
Watch, Support if Amended	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
Oppose Unless Amended	Letters of opposition unless the measure includes recommended amendments to address concerns
Oppose	Opposition to bill

SUMMARY OF BILLS AND PROPOSED STOPWASTE BILL POSITIONS

[SB 233 \(Skinner\) Electric vehicles and electric vehicle supply equipment: bidirectional capability.](#)

This bill requires all electric vehicles (EVs) offered for sale to be capable of bidirectional charging, starting with the 2030 vehicle model year. This bill also requires the California Energy Commission (CEC) to convene a stakeholder workgroup to examine challenges and opportunities associated with bidirectional charging. According to this measure, “bidirectional charging” means charging capability that enables an EV to either be charged by the electrical grid or an onsite energy resource, or discharge stored energy capacity to the electrical grid or to serve an adjacent home or building.

Recommended Agency Position: Neutral

Support: The Climate Center, 350 Bay Area, Alameda County Democratic Party, California Environmental Voters, Environment California

Opposition: Alliance for Automotive Innovation, California Chamber of Commerce, CALSTART, California Electric Transportation Coalition, Silicon Valley Leadership Group

Cost to local governments: None

[SB 420 \(Becker\) Electricity: electrical transmission facility projects.](#)

This bill would require the Governor to identify a primary agency to monitor clean energy and electrical transmission facility planning and deployment, and require that the agency identify those electrical transmission facility projects necessary to maintain system reliability and to meet specific targets. The bill would also allow certain transmission projects to become “environmental leadership development projects,” eligible for streamlined judicial review under CEQA.

Agency Position: Neutral

Support: American Clean Power Association, California Environmental Voters, Climate Action California

Opposition: None listed

Cost to local governments: None

[SB 619 \(Padilla\) State Energy Resources Conservation and Development Commission: certification of facilities: electrical transmission lines.](#)

This bill would build on last year's AB 205, which authorized the California Energy Commission (CEC) to certify large clean electricity transmission projects in lieu of any approval required by any state, local, or regional agency, or federal agency, including charter cities. The bill would broaden the types of transmission projects that are eligible for CEC certification.

Agency Position: Neutral

Support: Clean Air Task Force, Clean Power Campaign

Opposition: None listed

Cost to local governments: None

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 Governor takes action.

RECOMMENDATION:

Adopt positions on the bills listed above.

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DATE: June 28, 2023

TO: Waste Management Authority Board

FROM: Timothy Burroughs, Executive Director

SUBJECT: Appointment to fill vacancy on the Recycling Board

SUMMARY

Board member Bob Carling will complete his second 2-year term on the Recycling Board as of June 2023, thereby creating a vacancy. The Waste Management Authority (WMA) Board may make a new appointment to the Recycling Board within two months of when the vacancy occurs. Since the WMA Board will be on recess in August, the Board should make the appointment at the June 28 meeting, if possible, or at the July 26 meeting.

DISCUSSION

The 11-member Recycling Board includes six county resident experts appointed by the Alameda County Board of Supervisors and five members of the WMA Board. The WMA Board is responsible for appointing Board members to fill the vacancies. Measure D does not allow for temporary appointments to the Recycling Board or for a member to serve beyond two 2-year terms.

If the WMA Board fails to make an appointment by its July 26 meeting, authority to make the appointment would transfer to the County Board of Supervisors, in consultation with a double majority of the cities, per Section 64.130 D.6 of Measure D.

Any WMA member may serve on the Recycling Board as long as they have not previously served on the Board.

The Recycling Board meets the second Thursday of each month at 4 p.m. or 6 p.m. As is required by Measure D, meetings are normally held either at StopWaste's offices or at different locations in each of the five supervisorial districts. Schedule and location of meetings are distributed at the beginning of each calendar year. A Recycling Board FAQ document is attached for reference.

The Board may wish to consider geographic diversity of the appointments. However, there is no requirement for geographic diversity.

The other WMA Board members currently serving on the Recycling Board are Dan Kalb (Oakland), Tracy Jensen (Alameda), David Mourra (Emeryville), and Fred Simon (San Leandro).

RECOMMENDATION

Staff recommends that the WMA Board fill the vacancy on the Recycling Board by June 28 or July 26, 2023.

Attachment: Recycling Board FAQs

Recycling Board/Measure D

FAQ's

WHAT IS THE RECYCLING BOARD AND MEASURE D?

The Alameda County Source Reduction and Recycling Board was created in 1990 by the voters of Alameda County through a County Charter amendment ballot initiative, Measure D (official name: The Alameda County Waste Reduction and Recycling Initiative Charter Amendment). The intention of the Measure was to ensure that the county meet & surpass CA AB 939 mandates of reducing the amount of waste sent to landfill by 50 percent by the year 2000.

The Recycling Board is responsible for programs that promote source reduction, recycling, recycled product procurement, market development, and grants to nonprofit waste reduction enterprises.

WHAT IS THE MEASURE D FEE AND HOW MUCH MONEY DOES IT GENERATE?

Program funding for Measure D related work is provided by a per-ton disposal surcharge (currently \$8.23/ton) at the Altamont and Vasco Road landfills.

On average, about \$9 million a year is collected through Measure D fees. The fee is applied to:

- All solid waste tons disposed within the unincorporated county of Alameda. The fee is paid by the landfill.
- "Municipally controlled" discards (wastes for which the municipality establishes the rates for collection or disposal) landfilled outside unincorporated Alameda County, where arrangements have been made for the fee to be paid by the municipally contracted hauler.

HOW IS THE MONEY USED?

The Recycling Board is required to distribute 50 percent of monies collected to participating "municipalities," the 14 cities and two sanitary districts. Funds are distributed quarterly, based on a per capita (population based) formula.

The County of Alameda receives five percent of Measure D funds to implement a Recycled Product Purchase Preference program at the county and provide support to member agencies on RPP.

The Recycling Board keeps 45 percent of the monies for Measure D programs managed by StopWaste, including:

- Grants to Nonprofits

- Source Reduction Programs
- Recycled Product Market Development
- Discretionary and Administration

WHAT DO THE MEMBER AGENCIES DO WITH THEIR SHARE?

The original intent for Measure D usage for member agencies was to continue and expand municipal recycling programs. A very broad overview of eligible Measure D expenses broken down by categories and general types of expenses has been available to member agencies, below:

Categories

- Recycling, composting
- Source reduction
- Market development
- Recycled product procurement
- Public education/outreach

Allowable uses relating to 4Rs (reduce, reuse, recycle, rot [compost])

- Administrative overhead (staffing)
- Capital assets
- Consultants and contractors
- Events
- Promotional materials, supplies
- Other costs legitimately connected to waste reduction

However, due to the constantly evolving nature of recycling programs and related conservation programs, many types of expenses have been approved over the years on a case-by-case basis.

WHO CHECKS TO MAKE SURE MEASURE D FUNDS ARE USED APPROPRIATELY?

The Recycling Board is required to contract for an audit to determine compliance with Measure D every five years, aka The Five Year Audit (which is broken out by finance/compliance and programmatic analysis). The finance/compliance portion is conducted in three- and two-year segments to make it easier for municipalities to respond to audit requests).

The recent Five Year Audit recommended that staff develop a more comprehensive list of eligible and non-eligible Measure D Expenses to provide member agencies with a written source guidance document for reference & advanced planning/budgeting.

WHO IS REPRESENTED ON THE BOARD, HOW ARE THEY SELECTED, AND WHAT ARE THE TERMS OF SERVICE?

The eleven-member Recycling Board includes six citizen experts appointed by the Alameda County Board of Supervisors and five elected officials from the Alameda County Waste Management Authority. Terms are for two years with a maximum of two consecutive terms for each member. Recycling Board members must attend 75 percent of regular meetings and may not miss two consecutive monthly meetings in a calendar year or their seat is vacated.

The Board of Supervisors appointments include the following six categories:

- A representative of an organization engaged primarily in operating recycling programs within Alameda County
- A source reduction specialist with substantial experience as such
- A representative of the recyclable materials processing industry
- A representative of the solid waste industry
- A representative of an environmental organization with a significant membership active in recycling issues within Alameda County; and
- An environmental educator employed as such on a full-time basis.

Board members must be residents of Alameda County, and no two employees or representatives of the same for-profit company may serve simultaneously.

WHAT ROLES DO THE RECYCLING BOARD SERVE?

- The Recycling Board acts as the Planning Committee of the Alameda County Waste Management Authority
- The Recycling Board oversees the administration and implementation of Measure D activities
- The Recycling Board serves as the Local Task Force mandated by CA Public Resources Code 40950

WHEN AND WHERE DOES THE RECYCLING BOARD MEET?

The Recycling Board meets the second Thursday of each month at 4 p.m. or 6 p.m. Meetings are held either at StopWaste's offices or at different locations in each of the five supervisorial districts. Schedule and location of meetings are distributed at the beginning of each calendar year.

DATE: June 28, 2023

TO: Waste Management Authority Board

FROM: Timothy Burroughs, Executive Director

SUBJECT: Election of WMA Officers for Fiscal Year 2024

SUMMARY

Authority officers' terms are on a fiscal year basis. Since the end of June concludes our fiscal year, it is time for election of new officers, effective July 1, 2023.

DISCUSSION

Bob Carling from East County is the current First Vice President, serving as the Interim President because the previous Board President (Dianne Martinez) no longer serves on the Emeryville City Council. Francisco Zermeño from South County is the current Second Vice President.

It is customary, but not required by policy, for each officer to 'advance one level' each year. Therefore, the Board may choose to elect First Vice President Bob Carling (East County) to serve as President, and current Second Vice President Francisco Zermeño (South County) as First Vice President.

Authority policy calls for the geographic origin of officers to rotate each year. The next Second Vice President should therefore be from North County. The county's geographic designation is determined by the member's supervisorial district boundary:

- North County is defined as Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont and Unincorporated Alameda County.
- South County is defined as Fremont, Hayward, Newark, Oro Loma Sanitary District, San Leandro, and Union City.
- East County is defined Castro Valley Sanitary District, Dublin, Livermore, and Pleasanton.

RECOMMENDATION

That the WMA Board elect officers for Fiscal Year 2024.

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DATE: June 28, 2023
TO: Energy Council
FROM: Timothy Burroughs, Executive Director
SUBJECT: Election of Energy Council Officers for Fiscal Year 2024

SUMMARY

Energy Council Officers' terms are on a fiscal year basis. Since the end of June concludes the Agency's fiscal year, it is time for election of new officers for FY 2024, effective July 1, 2023.

DISCUSSION

Jack Balch (Pleasanton) is the current President; David Haubert (Alameda County) is the First Vice President; and Mike Hannon (Newark) is the Second Vice President.

It is customary, but not required by policy, for each officer to "advance one level" each year. Therefore, the Energy Council may choose to elect First Vice President Haubert to serve as President and current Second Vice President Hannon as First Vice President. The Energy Council would then elect a new Second Vice President.

Unlike the Waste Management Authority, the Energy Council does not need to consider geographic origin within the county when electing officers. At its inception, the Energy Council was interested in ensuring that the officers were not all from large or small member agencies. Larger agencies might be defined as those with more than one vote on the Energy Council, in recognition that they have larger populations than the other agencies. The agencies with more than one vote are the City of Oakland (3), County of Alameda (2), City of Hayward (2), and City of Fremont (2).

RECOMMENDATION

Staff recommends that the Energy Council elect officers for Fiscal Year 2024.

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July 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)

SUN	MON	TUES	WED	THURS	FRI	SAT
						1
2	3	4 AGENCY HOLIDAY	5	6	7	8
9	10	11	12	13 9:00 A.M. Programs & Administration Committee Key Items: 1. Grants Program Update <hr/> 6:00 P.M. Planning Committee & Recycling Board Key Items: 1. LEAF C.R. Stone Garden Tour – Fremont, CA	14	15
16	17	18	19	20	21	22
23	24	25	26 3:00 P.M. Waste Management Authority, & Energy Council Key Items: 1. Enforcement ordinance – 2nd reading 2. Interim Recycling Board appointments for August & September 3. Recycling Markets Network Update 4. Construction Innovation Cluster update	27	28	29
30	31					

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Energy Council
TECHNICAL ADVISORY GROUP (TAG)
Tuesday, June 20, 2023 – 1:00 pm to 2:00 pm

Attendance (all via phone):

County of Alameda: Ali Abbors, Emily Sadigh, Karen Cook

City of Albany: Lizzie Carrade, Michelle Plouse

City of Berkeley: Sarah Moore

City of Dublin: Shannan Young, Anna Zamboanga (Fellow)

City of Emeryville: Nancy Humphrey

City of Fremont: Rachel DiFranco

City of Hayward: Erik Pearson, Nicole Grucky, Hailey Meyer (Fellow), Sierra Cannon (Fellow)

City of Oakland: Shayna Hirshfield-Gold, Jeffrey Wong, Nick Kordesch

City of Piedmont: Alyssa Dykman, Sophie Roberts (Fellow)

EBCE: Cait Cady, Allison Lopez

Guests: Jamesine Rogers Gibson, BAAQMD

StopWaste: Emily Alvarez, Chris Hunter, Miya Kitahara, Angelina Vergara, Arielle Conway, Cristian Aguilar, Jamie Andrade, Nina Barroll

Welcome and Intros

EPA Climate Pollution Reduction Grant Update – Jamesine Rogers Gibson, BAAQMD

- Follow up from item Miya Kitahara, StopWaste, presented on at March TAG meeting
- EPA grant goal is to build capacity and regional support, provide funding for projects that cross-jurisdictional boundaries
- Want input from member agencies to help ensure that the Priority Climate Action Plan (PCAP) builds upon and reflects the work already done by jurisdictions as well as their priorities
- EPA encouraging innovation, provides opportunity to think about the evolution of climate planning and discuss and learn from others
- Plan development:
 - Air District staff meetings with stakeholders, initial survey of key priorities (most interest in actions related to buildings, transportation, and energy)
 - Summer 2023: more detailed survey focused on local government staff interested in PCAP development, working with BayREN to do outreach, Miya will be contact
 - Near term: Looking to identify scalable GHG reduction measures, success stories that can be replicated, and projects that have already been developed but lack funding, as timeline does not allow starting from scratch, success stories that can be replicated
 - End of summer: identify measures with working group for refinement of what to include in the PCAP and inform implementation funding potential
- Must do engagement with Low Income Disadvantaged Communities (LIDAC)
 - Concern that engagement may be duplicative with what jurisdictions have already done
 - Shared with EPA that timeline does not facilitate meaningful community engagement
 - Will rely on previous efforts, such as outreach for CAPs, Environmental Justice Elements, General Plans, etc.
 - Will review information, summarize findings, identify concerns, and translate into criteria for how to prioritize
- Reach out to Jamesine with questions/comments, will return to TAG in July for more information, deeper discussion

StopWaste Schools Presentation – Angeline Vergara and StopWaste Schools Team

- Exercise: what value(s) drive you to make change as TAG members?
 - Compassion, respect, creativity, interconnection, learning, stewardship, responsibility, community
- What adjective(s) that you would like to see described the redreamed earth in 2050?
 - Clean, connected, inviting, balance, beautiful, healthy, thriving, equitable
- Asked TAG to name the values that drive them as TAG members and what they would hope to see in a redreamed Earth in 2050 → same exercises used with students to figure out their vision and values to drive action
- StopWaste schools programs and services:
 - Partnering with TAG members, Board members, non-profits, etc.
 - Led first Climate Literacy forum in Fall 2022
 - Provide technical assistance on how to work with school districts to help implement SB 1383 compliance strategies
 - Overarching vision: how can we help get youth/schools involved with meeting climate goals?
- Environmental and Climate Literacy Action-Based Projects
 - 4Rs Student Action Project examples:
 - Talk to students about heat island effect, including measuring ground surface temperatures, use heat maps to advocate for more trees/green spaces/school gardens
 - CalFire partnership with school and city leaders to create green schoolyards in schools located in communities more vulnerable to climate change
 - Evaluate how can compost application on school district properties can help with SB 1383 compost procurement requirements
 - Education Center Field Trips
 - Davis Street and Fremont transfer station tours: 4th graders experience journey of community's waste as "garbologists", learn detrimental effects on climate change of waste and how to reduce through 4Rs, commit to action project of their choice such as creation of school gardens
 - Education Center Open House: place to convene stakeholders and youth, can include induction cooktop demo, garbage pit walking tours, creative reuse art, worm bin giveaway, and have youth share stories
 - Climate Literacy and Environmental Education Network (CLEEN): student led initiative to ensure all Fremont students receive climate literacy education
 - StopWaste Ambassador Project (SWAP): amplifies and supports student and teacher leaders in reducing waste and educating peers
 - Piedmont High School Green Club: realized much of greenspace removed after construction, fundraised and planted pollinator-friendly garden, instituted 3-bin system to make compost available
 - Youth Power: met with local businesses to conduct Fridge Assessment, identify low-global warming potential options
 - Castlemont High School: campus sustainability assessments, cafeteria waste audits, and educational center field trips → convene stakeholders to get community involved to make greater change

- Future efforts: working Chabot Science Center on Green Jobs Fair and with OUSD and their ECAP to evaluate schools as resilience hubs, expand opportunities to partner with fix-it clinics (e.g., working with San Leandro for students to repair Chrome Books)

Announcements

- Monthly [Topic Brief](#) on Environmental Leadership Awards
- BayREN announcements
 - Dashboard emailed out and available on SharePoint
 - Next Quarterly Codes Forum on 6/21 - The Grid: What is it and Should it Shape Policy for All-Electric Buildings?
- Mass timber construction project at [1510 Webster St.](#) across from StopWaste office, contact Miya if interested in a tour in early July
- July TAG meeting in person at StopWaste office from 1:00-3:00 pm