

APPROVED

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

Wednesday, July 22, 2015

3:00 P.M.

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

I. CALL TO ORDER

President Jerry Pentin, WMA, called the meeting to order at 3:00 p.m.

II. ROLL CALL

WMA & EC

City of Alameda	Trish Spencer, WMA, EC
City of Albany	Peter Maass, WMA, EC (arrived 3:05 p.m.)
City of Berkeley	Susan Wengraf, WMA, EC (via teleconference, logged off 4:45 p.m.)
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 (arrived 3:15 p.m.)
City of Hayward	Greg Jones, WMA, EC
City of Livermore	Laureen Turner, WMA
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC (arrived 3:07 p.m.)
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Tim Rood, WMA, EC
City of Pleasanton	Jerry Pentin, WMA
City of San Leandro	Pauline Cutter, WMA, EC
City of Union City	Lorin Ellis, WMA, EC (arrived 3:30 p.m.)

Absent:

County of Alameda	Keith Carson, WMA, EC
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Staff Participating:

Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director
Meri Soll, Senior Program Manager
Richard Taylor, Counsel, Authority Board
Arliss Dunn, Clerk of the Board

Others Participating:

Allison Chan, Save the Bay
Jim Scanlin, Alameda County Clean Water Program

III. ANNOUNCEMENTS BY THE PRESIDENTS

There were no announcements. The Board observed a moment of silence in honor of the police officer slain in the City of Hayward.

IV. CONSENT CALENDAR (WMA & EC)

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| 1. | Approval of the Draft Minutes of June 24, 2015 (WMA & EC-Separate Votes) (Gary Wolff) | Action |
| 2. | Minutes of the June 16, 2015 Technical Advisory Group (TAG) (EC only) (Gary Wolff, Wendy Sommer & Karen Kho) | Information |
| 3. | Grants Under \$50,000 (WMA only) (Gary Wolff) | Information |

Board member Cutter made the motion to approve the Consent Calendar for the WMA Board. Board member Turner seconded and the motion carried 13-0 (Carson, Chan, Ellis, and Kalb absent).

Board member Cutter made the motion to approve the Consent Calendar for the Energy Council. Board member Martinez seconded and the motion carried 10-0 (Carson, Chan, Ellis, and Kalb absent).

V. OPEN PUBLIC DISCUSSION (WMA & EC)

There was none.

VI. REGULAR CALENDAR (WMA & EC)

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| 1. | Reusable Bag Ordinance 2012-2: Proposed Budget and Schedule for Potential Expansion (WMA only) (Gary Wolff, Wendy Sommer & Meri Soll) | Action |
|-----------|--|---------------|

Staff recommends that the WMA consider a budget adjustment to add \$75,000 from Facility Fee fund balance to Reusable Bag Project 1250 (FY 15/16), and reallocate 170 hours of staff time to the Reusable Bag Project, for implementation of the schedule in Attachment A.

Meri Soll provided an overview of the staff report and presented a Powerpoint presentation. The staff report and the presentation is available here:

<http://stopwaste.org/Reusable/Bags/Presentation/WMAJuly2015.pdf>

Wendy Sommer provided a brief pre and post bag ordinance perspective. Prior to implementing the ordinance there were an estimated 664 million single use plastic bags in the waste stream and after implementation of the ordinance there were an estimated 473 million fewer single use plastic bags thus a 62% reduction. The volume remaining in the waste stream is estimated at 291 million bags which translate to 1,763 tons. These figures do not account for restaurants. Board member Turner stated that this information is extremely important to the public and to the Board as they consider whether to move forward with the expansion, and staff should include this information in every Board package that include discussion of the expansion.

Board member Martinez inquired how SB270 would affect our ordinance. Ms. Soll stated if SB270 was to become law in 2016, it would limit our ability to change our ordinance; we could only change two aspects of our ordinance: the type of stores affected and the amount of the bag price. President Pentin inquired if there was discussion with Clean Water staff regarding additional funds for the pre adoption scope of work. Ms. Soll stated there are Clean Water representatives on the TAC and they are aware of the steps involved but she will have a conversation with them. Board member Biddle inquired if there have been conversations with the Clean Water staff regarding enforcement and ongoing program operations. Ms. Soll stated that the Clean Water program recommends a complaint based enforcement approach instead of our current enforcement approach (periodic inspection), because the current approach would be cost prohibitive given the number of stores involved in the expanded ordinance.

President Pentin inquired about the number of staff hours required to perform items 1-3 of the expansion schedule. Ms. Soll stated it will require approximately 110 staff hours. Board member Wengraf inquired if it will require a unanimous vote to adopt the expansion ordinance. Ms. Sommer stated no it will require a majority vote and the expansion ordinance will include an opt-out provision as did the original ordinance. Board member Maass stated if trying to get information on the number of sole proprietors in the County is proving difficult, perhaps we should expand to cover only the other stores. Ms. Soll replied that it is important to get this information in order to provide equal enforcement of the ordinance. Board member Kalb asked to hear a breakdown of the categories of stores that could be included in the proposed

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expansion as well as a breakdown of the number of stores by category. Ms. Soll stated that there are an estimated 7,000 additional retail stores (separate from the 1,288 stores covered under current ordinance) and 4,000 restaurants in Alameda County that could be included for expansion. Depending upon approach, an expansion could result in over 12,000 total stores affected by ordinance. There is a small subset of retail stores representing a variety of chain, franchise and big box stores not covered under the current ordinance, but that currently seem to distribute single use plastic bags in fairly large quantities. Staff estimates that the number of these stores range between 200 to 400 stores in Alameda County. Ms. Soll stated in the May staff report, staff conducted visual observations at a variety of stores to gather baseline data for ordinance effectiveness. Staff observed consumers at 48 retail stores not currently covered by our ordinance (for example, Home Depot, Michael's, Ross, and Best Buy) to assess the amounts and types of bags distributed in a one hour period. The results show that the 48 non-covered retail stores as a group distributed only 33% the number of single use plastic bags in a one hour time frame than the 17 food related stores as a group did prior to the start of the Ordinance. Ms. Soll added data regarding stores (not including sole proprietors) from the Board of Equalization indicate in Alameda County there are 1,200 Motor Vehicle and Parts Dealers, 670 Furniture and Home Furnishing, 1,000 Electronics and Appliances, 600 Building Materials and Garden Supplies, 2,200 Clothing and Accessory, 1,000 Sporting Good, Hobby, and Music, 500 General Merchandise, and 5,000 Miscellaneous Stores.

Board member Chan inquired if the \$75,000 would cover items 1-6 of the proposed schedule. Ms. Soll stated yes, and staff would then come back to the Board with a budget for implementation once a better estimate of the number of stores is available. Board member Martinez stated her appreciation for the information and noted information from cities such as San Jose that has an expanded ordinance is requiring 1 full time staff person due to complaint based enforcement.

Board member Cutter made a motion for staff to do items 1-3 of the expansion schedule and to report back to the Board with results from items 1-3 and with a proposed schedule and options for moving forward. Authority Counsel Taylor suggested that the Board approve the budget adjustment with direction to staff for a check-in.

Board member Cutter amended the motion to approve the budget adjustment to add \$75,000 from Facility Fee fund balance to Reusable Bag Project 1250 (FY 15/16), and reallocate 170 hours of staff time to the Reusable Bag Project, for implementation of the schedule in Attachment A, with direction to staff to perform Items 1-3 of the schedule in Attachment A and then report back to the Board in December for a decision on whether to move forward with the remaining schedule. Board member Turner seconded and the motion carried 18-0 (Carson absent).

Board member Turner recommended that staff consider the schedule with respect to the fall 2016 elections and the possibility of newly seated Board members.

Allison Chan provided public comment on behalf of Save the Bay. Ms. Chan spoke to the merits of having an ordinance that covers all types of stores as it provides consistency for shoppers and suggested that staff look at San Jose's complaint based enforcement. Ms. Chan added Save the Bay continues to see the flimsy plastic take-out bags from restaurants in the creek beds. Jim Scanlin provided public comment on behalf of the Alameda Clean Water Program. Mr. Scanlin stated the MOU process should move fairly smoothly and the \$180,000 does include a complaint based enforcement system and expansion to include all retail excluding restaurants.

- 2. WMA Vacancy on the Recycling Board (WMA only) (Wendy Sommer) Action**
Make an appointment to the Recycling Board.

Board member Sadoff made the motion to appoint Board member Martinez (Emeryville) as a WMA appointee to the Recycling Board. President Pentin seconded and the motion carried 18-0 (Carson absent).

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

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(P&O and Recycling Board meeting, August 13th at 4:00 pm – StopWaste Offices, 1537 Webster Street, Oakland, CA)

Due to the August recess, Wendy Sommer inquired if any Board member required an interim appointment for the September Recycling Board meeting. There were no requests for an interim appointment for the September meeting.

President Pentin requested an interim appointment for the August 13th meeting. Board member Biddle stated that he would attend as the interim appointment. Board member Cutter made the motion to approve the interim appointment. Board member Chan seconded and the motion carried 18-0 (Carson absent).

The Board adjourned to Closed Session at 4:30 p.m. and returned to Open Session at 4:50 p.m.

4. CLOSED SESSION (WMA only)

PUBLIC EMPLOYMENT

(Pursuant to Government Code Section 54957)

Title: Executive Director

(confidential materials mailed separately)

The Board directed Agency Counsel to work with the Board President to negotiate a contract agreement with Wendy Sommer to serve as the next Executive Director, starting after Executive Director Wolff's retirement at the end of December. The Board will consider the agreement at the September 16th WMA meeting. The vote was 18-0: **Ayes:** Spencer, Maass, Wengraf, Sadoff, Biddle, Martinez, Chan, Jones, Turner, Hannon, Kalb, Young, Rood, Pentin, Cutter, Ellis. **Nays:** None. **Abstain:** None. **Absent:** Carson.

5. CLOSED SESSION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code Section 54956.8)

Property: APN #: 99A-1780-1-4 & 99A-1790-3, 99A-1770-2-2, 99A-1770-2-1, 99A-1770-4, 99A-1810-1 & 99A-1770-2-3, 99A-1820-2

Agency Negotiator: Gary Wolff, Agency Staff, Richard Taylor, Authority Counsel

Negotiating Parties: NextEra Energy Resources

Under Negotiation: Price and terms of payment

The Board selected option 2 of the closed session staff report and directed the Executive Director to sign a term sheet regarding price terms of payment for sale of a conservation easement of up to 308 acres of the parcels described in the agenda item. We do not have a signed term sheet with NextEra at this time, but assuming one is signed by both parties it will be available upon request at that time. A full conservation easement agreement will likely be brought to the Board in September in open session. The vote was 16-1: **Ayes:** Biddle, Chan, Cutter, Ellis, Hannon, Jones, Kalb, Maass, Martinez, Pentin, Rood, Sadoff, Turner, Young. **Nays:** Spencer. **Abstain:** None. **Absent:** Carson, Wengraf

VII. COMMUNICATIONS/MEMBER COMMENTS (WMA & EC)

Information

Mr. Wolff announced that in response to a Board member request (Turner), the agency website has become a responsive website, as of the night before, that will work better with handheld devices such as cell phones, tablets, etc. Board member Martinez announced that she along with Board member Young observed benchmark sorting in San Leandro. She added the crew is very thorough and works well together and she was impressed at the small amount of garbage in the bins.

Board member Rood announced the vacancy on the Recycling Board for the Recycling Materials Processing Industry representative and encouraged Board members to share the announcement.

VIII. ADJOURNMENT (WMA & EC)

The meeting adjourned at 5:00 p.m.