

WMA Board & Energy Council

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

City of Hayward, WMA, EC

Tracy Jensen, **WMA 1st Vice President**

City of Alameda, WMA, EC

Dave Sadoff, **WMA 2nd Vice President**

Castro Valley Sanitary District, WMA

Michael Hannon, **EC President**

City of Newark, WMA, EC

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

City of Emeryville, WMA, EC

David Haubert, County of Alameda, WMA, EC

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

Susan Wengraf, City of Berkeley, WMA, EC

Jean Josey, City of Dublin, WMA, EC

Yang Shao, City of Fremont, WMA, EC

Bob Carling, City of Livermore, WMA, EC

Dan Kalb, City of Oakland, WMA, EC

Shelia Young, Oro Loma Sanitary District, WMA

Jen Cavenaugh, City of Piedmont, WMA, EC

Jack Balch, City of Pleasanton, WMA, EC

Fred Simon, City of San Leandro, WMA, EC

Jeff Wang, City of Union City, WMA, EC

Timothy Burroughs, Executive Director

AGENDA

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

WEDNESDAY, JULY 24, 2024

3:00 P.M.

***IN PERSON MEETING LOCATION:*
STOPWASTE BOARD ROOM
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: 1404 LeRoy Ave. Berkeley, CA
- Teleconference location #2: 118 Glashaus Loop, Emeryville, CA
- Teleconference location #3: Holiday Inn Hotel Lobby, 900 East Sunset Blvd., Riverton, WY
- Teleconference location #4: Scott Haggerty Heritage House, 4501 Pleasanton Ave, Pleasanton, CA
- Teleconference location #5: 37101 Newark Blvd., Conference Room No. 5, Newark, CA
- Teleconference location #6: 3300 Capitol Ave. Building A, Fremont, CA
- Teleconference location #7: 14751 Pansy Street, San Leandro, CA
- Teleconference location #8: Dublin City Hall, 100 Civic Plaza, Dublin CA
- Teleconference location #9: 5972 McIntyre Court, Golden, CO
- Teleconference location #10: City of Pleasanton, City Council Conf. Rm., 200 Old Bernal Ave., Pleasanton, CA
- Teleconference location #11: 806 Pierce Street, Albany, CA
- Teleconference location #12: 32200 Regents Blvd., Union City, 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 841 1254 6204
2. Using the [Zoom](#) website or App and entering meeting code 841 1254 6204

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, July 24, 2024.

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

In accordance with the Americans with Disabilities Act, if you need assistance to participate in this meeting due to a disability, please contact the Clerk of the Board at (510) 891-6517. Notification 24 hours prior to the meeting will enable the agency to make reasonable arrangements to ensure accessibility to this meeting.

AGENDA

I. CALL TO ORDER

II. ROLL CALL OF ATTENDANCE

III. ANNOUNCEMENTS BY PRESIDENTS - *(Members are asked to please advise the Board or the Council if you might need to leave before action items are completed.)*

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Boards or Council, but not listed on the agenda.

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

Page

1 1. **Approval of the Draft WMA & EC Minutes of June 26, 2024**

5 2. **Amendment to Property Leasing Ordinance (Ordinance 2000-01) (Kelly Schoonmaker)**
That the WMA Board adopt Ordinance 2024-02 Amending Ordinance 2000-01 at the July 24, 2024 meeting.

VI. REGULAR CALENDAR

15 1. **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 September 25, 2024.

19 2. **Update on California's Beverage Container Recycling Program (Alma Freeman)**
This item is for information only.

3. **Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliss Dunn)**
(The meeting of the Planning Committee & Recycling Board will be held on Thursday, August 8, 2024 at 4:00 p.m., at StopWaste, 1537 Webster St., Oakland, CA, and September 12, 2024 at 6:00 P.M., at Tri-City Volunteer Food Bank, 37350 Joseph St., Fremont, CA)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. ADJOURNMENT – TO WMA & EC MEETING SEPTEMBER 25, 2024 AT 3:00 P.M.

DRAFT

**MINUTES OF THE MEETING OF THE
ALAMEDA COUNTY WASTE MANAGEMENT
AUTHORITY BOARD (WMA)**

AND

THE ENERGY COUNCIL (EC)

Wednesday, June 26, 2024

3:00 P.M.

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

I. CALL TO ORDER

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 (EC President)
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	Jean Josey, WMA, EC
City of Emeryville	David Mourra, WMA, EC
City of Hayward	Francisco Zermeño, WMA, EC
City of Livermore	Bob Carling, WMA, EC, (WMA President)
City of Newark	Mike Hannon, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Jen Cavanaugh, WMA, EC
City of San Leandro	Fred Simon, WMA, EC
City of Union City	Jeff Wang, WMA, EC

ABSENT

City of Fremont	Yang Shao, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
City of Pleasanton	Jack Balch, WMA, EC

Staff Participating

Timothy Burroughs, Executive Director
Pat Cabrera, Administrative Services Director
Alma Freeman, Communications Manager
Kelly Schoonmaker, Senior Program Manager
Candis Mary-Dauphin, Program Manager
Arliss Dunn, Clerk of the Board
Richard Taylor, WMA Legal Counsel

III. ANNOUNCEMENTS BY PRESIDENTS

There were none.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

There were no public comments.

V. CONSENT CALENDAR

- 1. Approval of the Draft WMA & EC Minutes of May 22, 2024**
- 2. External Funding Accepted Under Executive Director Signature Authority-WMA 2023-04**
This item is for information only.

There were no public comments for the Consent Calendar. Board member Cavanaugh moved approval of the Consent Calendar for the WMA & EC, and Board member Wengraf seconded.

The Clerk called the roll: WMA Vote: 14-0 EC Vote: 13-0

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

VI. REGULAR CALENDAR

- 1. Executive Director Contract Amendment (Bob Carling, WMA President)**
That the Waste Management Authority Board amend the Executive Director Employment agreement.

President Carling provided a brief overview of the staff report. A link to the report is available here: [ED-Contract-Amendment.pdf](#). Based on the outstanding performance of Mr. Burroughs and input from the full Board, the Evaluation Team recommended a 2.4% salary increase (\$6,893) for fiscal year 2024-25, effective the first pay period for FY 2025. President Carling thanked Mr. Burroughs for his excellent leadership.

There were no public comments on this item. Board member Zermeño moved approval that the Waste Management Authority Board amendment to the Executive Director Employment Agreement. Board member Sadoff seconded, and the motion carried 15-0. The Clerk called the roll:

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

- 2. Amendment to Property Leasing Ordinance (Ordinance 2000-01) (Kelly Schoonmaker)**
Conduct a public hearing and introduce Ordinance 2024-02 amending Ordinance 2000-01 and waive a full reading of the ordinance, and direct staff to place it on the consent calendar for adoption at the next regular meeting of the Board.

Timothy Burroughs introduced the item and Kelly Schoonmaker provided an overview of the staff report. A link to the staff report is available here: [Property-Leasing-Ordinance-Amendment.pdf](#). Additional time was provided to the Board for discussion and clarifying questions. An audio link to the discussion is available here: [Property-Leasing-Ordinance-Discussion](#). Ms. Schoonmaker addressed a couple questions that came up at the P&A meeting, first regarding whether the agency and its lessees have insurance at the property. The agency requires its tenants to carry at least the same insurance as other Agency contractors. The second question was about the terms of the cell tower lease with regard to co-locating or subleasing, and how that would affect the Agency. This particular lease does not have terms regarding sub-leasing. However, it is one of the leases that's nearing the end of the term, and this is something that could be addressed in the new lease.

President Carling opened the public hearing and there were no public comments. The public hearing was closed. President Carling thanked Ms. Schoonmaker for her report.

Board member Jensen moved approval of the staff recommendation. Board member Hansen-Romero seconded, and the motion carried 14-0. The Clerk called the roll.

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

- 3. Update on StopWaste Equity and Empowerment Initiatives (Candis Mary-Dauphin)**
This item is for information only.

Timothy Burroughs introduced the item and Candis Mary-Dauphin provided an update on the agency's equity plan. A link to the staff report and the presentation is available here: [Equity-Update.pdf](#). Additional time was provided to the Board for discussion and for clarifying questions. An audio link to the discussion is available here:

[Equity-Update-Discussion](#). There were no public comments for this item. President Carling thanked Ms. Mary-Dauphin for the presentation.

4. 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 September 25, 2024.

Timothy Burroughs provided an overview of the staff report. A link to the report is available here: [RB-Vacancy-Kalb.pdf](#). There were no volunteers for the appointment and the item will be carried over to the July 24 WMA meeting. President Carling reminded the Board that the vacancy must be filled by September 25. There were no public comments for this item.

5. Election of WMA Officers for Fiscal Year 2025 (Timothy Burroughs)

Staff recommends that the WMA Board elect officers for Fiscal Year 2025.

Timothy Burroughs provided an overview of the staff report. A link to the report is available here: [WMA-Elections-FY2025.pdf](#). Outgoing President Carling expressed appreciation for the opportunity to serve as President and the Board expressed appreciation for President Carling's leadership. There were no public comments for this item. Board member Young moved approval of the slate of Officers for the WMA Board for Fiscal Year 2025: Francisco Zermeño, President, Tracy Jensen, First Vice President, and Dave Sadoff, Second Vice President. Board member Hannon seconded, and the motion carried 15-0: The Clerk called the roll:

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

6. Election of EC Officers for Fiscal Year 2025 (Timothy Burroughs)

Staff recommends that the Energy Council elect officers for Fiscal Year 2025.

Timothy Burroughs provided an overview of the staff report. A link to the report is available here: [EC-Elections-FY2025.pdf](#). Outgoing President Haubert expressed appreciation for the opportunity to serve as President and the Board expressed appreciation to President Haubert. Board member Wengraf moved approval of the slate of Officers for the EC Board for Fiscal Year 2025: Mike Hannon, President, David Mourra, First Vice President, and Francisco Zermeño, Second Vice President. Board member Hannon seconded, and the motion carried 14-0: There were no public comments for this item. The Clerk called the roll:

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

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

(Planning Committee and Recycling Board meeting on July 11, 2024 at 6:00 p.m. The meeting will be held at the Surlene G. Grant Community Room, 999 E 14th St. San Leandro, CA)

There were no requests for an interim appointment.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Mr. Burroughs announced that the monthly topic brief provides information on how to reduce food packaging waste. A link to the topic brief is available [here](#).

Mr. Burroughs welcomed Councilmember Jean Josey as the new WMA representative for the City of Dublin.

VIII. ADJOURNMENT – TO WMA & EC MEETING – JULY 24, 2024 AT 3:00 P.M.

The meeting adjourned at 4:50 p.m.

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DATE: July 24, 2024

TO: Waste Management Authority Board

FROM: Kelly Schoonmaker, Senior Program Manager

SUBJECT: Amendment to Property Leasing Ordinance (Ordinance 2000-01)

SUMMARY

The Agency owns 1,600 acres in the Altamont Hills (“Property”), and has several lease and license agreements there, including telecommunications leases and licenses and a grazing license, some of which are nearing the end of their 10-year terms. The expiring agreements were approved under Ordinance 2000-01: An Ordinance Establishing Procedures for Certain Leases of Property Owned by the Authority, which, consistent with state law at that time, established a simplified, non-bid procedure for entering into non-renewable leases and licenses with a monthly rent amount that does not exceed \$5,000 and a term of 10 years or less. Staff recommends an amendment (Attachment 1) to Ordinance 2000-01 to increase the allowable monthly rental payment to \$10,000 to reflect changes in state law and to allow for the maximum monthly rental payment to be further increased if permitted by a future change in state law. Staff also recommends minor amendments to the Ordinance’s noticing provisions to align with state law.

At the June 26 WMA meeting, the Board conducted a public hearing and introduced Ordinance 2024-02 amending Ordinance 2000-01, waived a full reading of the ordinance, and voted 14-0 to direct staff to place it on the consent calendar for adoption at the next regular meeting of the Board.

DISCUSSION

Under the Agency’s Joint Exercise of Powers Agreement for Waste Management (as revised 7/30/2013), the Agency’s manner of exercising its powers is subject to the same restrictions that apply to the County of Alameda. This includes state law restrictions that require counties to use extensive bidding procedures for many leases and licenses.

In 2000, the Agency adopted Ordinance 2000-01 under [Government Code Section 25537](#) (Attachment 2), a provision of state law that allows counties to enter into certain leases and licenses without going through a formal bid process. Ordinance 2000-01 establishes a simplified, no-bid procedure for entering into leases and licenses that are non-renewable, do not exceed 10 years, have a monthly rent not exceeding \$5,000, are of public benefit, and are compatible with the Agency’s uses of the Property. This Ordinance was enacted to provide an alternative pathway to complying with the leasing and licensing requirements for counties, which would have required a

formal bidding process for most leases and licenses on the Agency Property. The Agency is not required to use the simplified procedure allowed by Ordinance 2000-01 and retains the option to use the county formal bid process when entering into a lease or license.

Some leases and licenses approved under Ordinance 2000-01 are approaching the end of their terms. A summary of leases and licenses is presented in Attachment 3. Because these leases and licenses are non-renewable, if the Agency determines that it wants to continue leasing to any of these existing tenants, it will be necessary to enter into a new agreement with them. For one of these current leases, the tenant's monthly rent is high enough that a new lease agreement with them subject to the same pricing structure and escalation as the current agreement would cause their monthly rent to increase to more than \$5,000 during the term of the lease. That means that the Board could not approve such a new lease with this tenant under the Agency's Ordinance without first amending the Ordinance to increase the maximum allowable monthly rental. For that reason, as well as to ensure that the Agency is able to enter into other new leases or licenses under the Ordinance that have a monthly rental of more than \$5,000 to reflect market rates, staff recommends an amendment to the Ordinance to increase the allowable monthly rental payment to \$10,000 and to allow this amount to be further increased if allowed by a future change in state law.

Staff also proposes minor changes to the Ordinance's notification provisions to better align with state law.

RECOMMENDATION

That the WMA Board adopt Ordinance 2024-02 Amending Ordinance 2000-01 at the July 24, 2024 meeting.

Attachments:

Attachment 1: ACWMA Draft Ordinance 2024-02 Amending Ordinance 2000-01

Attachment 2: Government Code Section 25537

Attachment 3: Summary Leases and Licenses at Agency Property

ATTACHMENT 1

ORDINANCE 2024-02 AMENDING ORDINANCE 2000-01

ORDINANCE ESTABLISHING PROCEDURES FOR CERTAIN LEASES AND LICENSES OF PROPERTY OWNED BY THE AUTHORITY

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

1. In 2000 the Authority adopted Ordinance 2000-01, the Ordinance Establishing Procedures for Certain Leases of Property Owned by the Authority. The Authority now wishes to amend the ordinance to increase the allowable monthly rental payment to \$10,000 to reflect a change in state law, to allow for that monthly rental payment to be further increased if permitted by a future change in state law, and to update the ordinance’s noticing provisions.
2. The Board of the Alameda County Waste Management Authority held a public meeting on June 26, 2024, 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 2000-01 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 shall be published and a certified copy of the full text with the names of those voting for and against the Ordinance shall either (i) be posted on the Authority’s website or (ii) be posted in the Authority’s offices. The Ordinance shall become effective 30 days after adoption.

- Continued on following page -

Following introduction on June 26, 2024, passed and adopted July 24, 2024 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. 2024-02.

ARLISS DUNN
CLERK OF THE BOARD

Exhibit A

**ORDINANCE 2000-01
as amended by Ordinance 2024-02**

**AN ORDINANCE ESTABLISHING PROCEDURES FOR CERTAIN LEASES AND LICENSES OF
PROPERTY OWNED BY THE AUTHORITY**

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 Section 6.

SECTION 2 (Findings)

- (a) The Authority finds that the proposed process for entering into leases or licenses for real property owned by the Authority—which applies only to leases and licenses that are non-renewable, do not exceed 10 years, have a monthly rental not ~~in excess of~~ **exceeding ten** thousand dollars (~~\$5,000~~**10,000**) **or the amount authorized in Government Code section 25537 (or any successor provision), whichever is greater**, are of public benefit, and provide for uses that are compatible with the Authority's use of the property—will provide adequate notice to the public of such leases and licenses, ensure long-term stewardship of Authority property, and establish an efficient process for managing Authority property.
- (b) The Authority finds that it has the power to enact this ordinance pursuant to the Joint Exercise of Powers Agreement for Waste Management.

SECTION 3 (Definitions)

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

- (a) “Authority” means the Alameda County Waste Management Authority created by the Joint Exercise of Powers Agreement for Waste Management.
- (b) “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.

SECTION 4 (Procedures for Entering into Specified Leases and Licenses for Authority Property)

Where the Authority proposes to enter into a lease or license for any real property belonging

to, leased by, or licensed by the Authority, where the lease or license is nonrenewable, does not exceed 10 years, ~~does not have~~ has a monthly rental ~~in excess of~~ not exceeding five ten thousand dollars (\$5,000~~10,000~~) or the amount authorized under Government Code section 25537 (or any successor provision), whichever is greater, will be of public benefit, and will provide for a use that is compatible with the Authority's uses of the property, the following procedures shall apply:

- (a) The Authority shall issue a notice that describes the property to be leased or licensed, the terms of the lease or license, the location where offers to lease or license the property will be accepted, the location where the lease or license will be executed, ~~the~~ any Authority officer authorized to execute the lease or license, and the date of the public hearing on the lease or license.
- (b) The notice of the proposed lease or license shall be published in the following manner:
 - 1) posting of the notice with the County clerk;
 - 2) posting of the notice at the Authority office;
 - 3) at least 15 days prior to accepting the offers to lease or license the property, mailing of the notice to any person who has filed a written request for such notice with a person designated by the Authority receive these requests; and
 - 4) publication of the notice in a newspaper of general circulation two times, with ~~the first notice occurring~~ at least 15 days prior to accepting the offers to lease or license the property ~~and with at least six days between the publication dates, in a newspaper of general circulation.~~
- (c) Where the proposed lease or license involves residential property, notice shall also be provided to housing sponsors (as defined by section 50074 and 50074.5 of the Health and Safety Code).
- (d) The Authority shall hold a public hearing concerning the proposed lease or license and shall make a finding that the property subject to the lease or license will be used for compatible uses and that the lease or license will be of public benefit.

SECTION 5 (Exemption)

The provisions of Section 4 shall not apply to any lease or license that the Authority enters into with the state, or with any county, city, district, public agency, public corporation or public utility corporation.

SECTION 6 (Notice and Verification)

~~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.~~

ATTACHMENT 2

Cal. Gov. Code § 25537

Section 25537 - Alternative procedure for leasing or licensing county property

(a) In any county the board of supervisors may prescribe by ordinance a procedure alternative to that required by Sections 25526 to 25535, inclusive, for the leasing or licensing of any real property belonging to, leased by, or licensed by, the county. Any alternative procedure so prescribed shall require that the board of supervisors either accept the highest proposal for the proposed lease or license submitted in response to a call for bids posted in at least three public places for not less than 15 days and published for not less than two weeks in a newspaper of general circulation, if the newspaper is published in the county, or reject all bids.

(b) Leases or licenses of a duration not exceeding 10 years and having an estimated monthly rental not exceeding a dollar limit that may be established by ordinance of the board, or, if no ordinance is adopted, not exceeding ten thousand dollars (\$10,000), may be excluded from the bidding procedure specified in subdivision (a), except that notice shall be given pursuant to Section 6061, posted in the office of the clerk of the board of supervisors, and if the lease or license involves residential property, notice shall be given to the housing sponsors, as defined by Sections 50074 and 50074.5 of the Health and Safety Code. The notice shall describe the property proposed to be leased or licensed, the terms of the lease or license, the location where offers to lease or license the property will be accepted, the location where leases or licenses will be executed, and any county officer authorized to execute the lease or license. If a lease or license is excluded from the bidding procedure, the actual monthly rental in the executed lease or license may not exceed a dollar limit that may be established by ordinance of the board, or, if no ordinance is adopted, may not exceed ten thousand dollars (\$10,000), the term of the executed lease or license shall not exceed 10 years, and the lease or license is not renewable.

(c)

(1) The board of supervisors may, by ordinance, authorize the county officer or officers as are deemed appropriate, to execute leases or licenses pursuant to this section.

(2) A county officer's authority granted by ordinance under this section may not be effective for more than five years.

(3) A county officer authorized by the board of supervisors to execute licenses pursuant to this section shall provide a notice to the supervisorial district office in which the property proposed to be licensed is located at least five working days prior to execution of the license. The notice shall describe the property proposed to be licensed, the terms and conditions of the license, and the name of the proposed licensee. If the supervisorial district office has not responded in writing objecting to the proposed license within five working days after the notice has been provided, the proposed license shall be deemed approved by the district office. If the supervisorial district office objects to the proposed license in writing within five working days, the license may be submitted for approval by the board of supervisors at a regular meeting.

(d) Notice pursuant to this section shall also be mailed or delivered at least 15 days prior to accepting offers to lease or license pursuant to this section to any person who has filed a written request for notice with either the clerk of the board or with any other person designated by the board to receive these requests. The county may charge a fee that is reasonably related to the costs of providing this service and the county may require each request to be annually renewed. The notice shall describe the property proposed to be leased or licensed, the terms of the lease or license, the location where offers to lease or license the property will be accepted, the location where leases or licenses will be executed, and any county officer authorized to execute the lease or license.

Ca. Gov. Code § 25537

Amended by Stats 2003 ch 732 (SB 93), s 3, eff. 1/1/2004.

Amended by Stats 2002 ch 221 (SB 1019), s 34, eff. 1/1/2003.

Attachment 3

Summary of Leases and Licenses at Agency Property

Type of agreement	Lessee	2023 Revenue	Lease expiration
License - grazing	Paulo Farms	\$25,100	October 27, 2025
Lease – telecom tower	Crown Castle T-Mobile	\$49,300	October 22, 2025
Lease – utility trench	T-Mobile	\$26,000	March 31, 2029
Lease – utility trench	Vertical Bridge	\$25,500	October 16, 2026
Lease – utility trench	AT&T	\$26,100	August 14, 2027
Lease – telecom tower	Vasco Winds	\$4,000	September 30, 2030
Lease – telecom tower	East Bay Regional Systems Communication Authority	\$3,600	June 6, 2026
Lease - residence	Private tenant	\$32,000	Month to month



DATE: July 24, 2024

TO: Waste Management Authority Board

FROM: Timothy Burroughs, Executive Director

SUBJECT: Appointment to fill upcoming vacancy on the Recycling Board

SUMMARY

Board member Dan Kalb completed his second two-year term on the Recycling Board on June 22, 2024, thereby creating a vacancy. The Waste Management Authority (WMA) Board may make new appointments to the Recycling Board within two months of when the vacancies occur. As such, the Board could decide to make the appointment at its June 26, July 24, or due to the August recess, the September 25 Board meeting.

DISCUSSION

The eleven-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 vacancy. Measure D, which is the county charter amendment that created the Recycling Board, does not allow for temporary appointments to the Recycling Board or for a member to serve beyond two 2-year terms. Any WMA member may serve on the Recycling Board as long as they have not previously served on the Board.

If the WMA Board fails to make an appointment by its September 25 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.

The Recycling Board meets the second Thursday of each month at 4 p.m. or 6 p.m. Per Measure D, meetings are held either at StopWaste offices or, five times each year, at a location in each of the five supervisorial districts. A meeting 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 Tracy Jensen (Alameda), David Mourra (Emeryville), Fred Simon (San Leandro), and Jeff Wang (Union City).

RECOMMENDATION

Staff recommends that the WMA Board fill the vacancy on the Recycling Board by September 25, 2024.

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: July 24, 2024

TO: Waste Management Authority

FROM: Alma Freeman, Communications Manager

SUBJECT: Update on California’s Beverage Container Recycling Program

SUMMARY

Enacted in 1987, California's Bottle Bill has been one of the most successful and cost-effective recycling and litter-reduction programs in the United States, targeting aluminum, glass, plastic, and bimetal containers. At the July 24 meeting, Susan Collins, president of the Container Recycling Institute, will present an update on the state’s bottle return system to date and challenges and opportunities ahead.

DISCUSSION

California’s container recycling program works through a deposit/refund mechanism. At checkout, consumers pay a California Redemption Value (CRV) deposit of five or 10 cents — depending on the size of the container — every time they purchase a beverage. The state then returns the money when a bottle or can is brought to a recycler. Since the late 1980s, 482 billion CRV-eligible containers have been recycled in California, totaling more than 10 million tons of bottles and cans.

That money is either returned to consumers when they recycle their containers at a redemption center, or it goes to a hauler or non-profit recycler when disposed via curbside recycling. Unclaimed deposits from unreturned containers go into the state’s Beverage Recycling Container Fund, which is intended to support recycling centers, reduce litter and provide grants for new recycling initiatives. However, despite its potential, the program faces a range of challenges, foremost among them a widespread closure of redemption centers across the state, dropping more than half over the last decade. A number of efforts are underway to revive the program, including SB 1013, which expands eligible CRV containers to wine and liquor and adds stricter requirements for retailer participation to ensure equitable access to convenient recycling locations.

RECOMMENDATION

This item is for information only.

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**August 2024
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	5	6	7	8 SUMMER BREAK Programs & Administration Committee <hr/> 4:00 P.M. Planning Committee & Recycling Board Key Items: 1. Food waste prevention	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28 SUMMER BREAK Waste Management Authority & Energy Council	29	30	31

**September 2024
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 AGENCY HOLIDAY	3	4	5	6	7
8	9	10	11	12 9:00 A.M. Programs & Administration Committee Key Items: 1. Schools update <hr/> 6:00 P.M. Fremont, CA Planning Committee & Recycling Board Key Items: 1. Tri-City Volunteer Food Bank Tour	13	14
15	16	17	18	19	20	21
22	23	24	25 3:00 P.M. Waste Management Authority & Energy Council Key Items: 1. MF EV program/grant 2. Indoor air quality grant 3. Procurement policy	26	27	28
29	30					

Energy Council
TECHNICAL ADVISORY GROUP (TAG)

Tuesday, June 18, 2024 – 1:00 pm to 2:00 pm on Zoom

Attendance (all via phone):

County of Alameda: Emily Sadigh

City of Albany: Michelle Plouse, Sutton Payne (Fellow)

City of Berkeley: Sarah Moore, Alice LaPierre, Marna Schwartz, Annika Lackner (Fellow)

City of Dublin: Shannan Young

City of Emeryville: Nancy Humphrey, Talia Paulson (Fellow)

City of Fremont: Kranti Kapur

City of Hayward: Makenna Colucci (Fellow), Elise Pierce (Fellow)

City of Livermore: Tricia Pontau

City of Oakland: Shayna Hirshfield-Gold, Nick Kordesch

City of Pleasanton: Megan Campbell

City of San Leandro: Sheila Marquises

Guests: Steven Moss, M.cubed (consultant to LGSEC – Local Government Sustainable Energy Coalition)

StopWaste: Jennifer West, Emily Alvarez, Maria Hart, Heather Larson, Ben Cooper, Timothy Burroughs, Pat Cabrera

Welcome and Intros

Ask TAG

- Alice From Berkeley brought an upcoming item from the California Streetlight Association on connectivity and managing loads
 - The extra capacity for streetlights that have converted to LEDs can be used for EV charging
 - At their next meeting, a company will present on their ability to connect an EV charger to metal street light poles without trenching the concrete/sidewalk
 - Requires 240v electricity supply, which are often found in commercial zones
 - The company will manage the PG&E application (apply, pay and receive bills), and the city would set charging rates and would receive a percentage of fees collected
 - Will work with PG&E existing infrastructure and wiring
 - Must be a CalSLA member to attend the meeting, contact Alice to join
- Who is coming to CCEC Forum next week in Palm Springs? Berkeley, Albany, StopWaste
- Are any jurisdictions tracking/pursuing the EPA Community Change Grant Program? Oakland was the only one that responded affirmatively.
 - <https://www.epa.gov/system/files/documents/2024-02/community-change-grants-modified-nofo-2.12.24.pdf>

StopWaste Fiscal Year 24-25 Budget – Timothy Burroughs and Pat Cabrera, StopWaste

- Timothy and Pat provided an overview of the recently approved FY 24-25 StopWaste budget, which reflects the strong financial position of the Agency. It was passed by the boards on May 22.
 - Details on the budget can be found at: <https://www.stopwaste.org/about-stopwaste/who-we-are/budget-and-financials>

Legislative Update – Jennifer West, StopWaste

- Board set five legislative priorities for 2024:
 - Common sense adjustments to SB 1383, building decarbonization and electrification, circular economy, clear product information for consumers, and building healthy food systems

- Most relevant for TAG, there are three bills related to building decarb/electrification that Agency took positions on:
 - SB1054: Climate pollution reduction in homes
 - SB1207: Adding low-carbon insulation added to Buy Clean CA program
 - SB1221: Gas transition support for zonal decarbonization with pilots

Regulatory Update on High DER Proceeding – Heather Larson, StopWaste and Steven Moss, M.cubed/LGSEC (Local Govt Sustainable Energy Coalition)

- Evaluating electrification bill impacts is a directive from the Energy Council Board for StopWaste to investigate (Dec 2023)
 - This work is happening in conjunction with Ava Community Energy. StopWaste is considering the best way to be involved
- DER = Distributed Energy Resources
 - Examples: solar, battery storage, electric vehicle charging
 - No longer a singular centralized “grid” and with other sources coming online, how do you accommodate them?
- Local Government Sustainable Energy Coalition (LGSEC) recommends new considerations in a high DER future:
 - How do DERs help with an affordable electrification policy?
 - Once we improve forecasting of DERs we can develop the right investments in the right place. We can see over-investment in the distribution system before the actual demand emerges (or fails to emerge)
 - Electrification from residential uses are regulated by strict building efficiency standards and may not put as much stress on the grid as uses like marijuana farms and virtual currency data mining
- CPUC Order to Institute Rulemaking (OIR) to Establish Energization timelines (24-01-018)
 - LGSEC recommends a review of relevant financing, economic, and local and regional government planning data to determine the best ways to address issues in the proceeding
 - Help to assess what timeline is reasonable, how to improve engagement with customers, and potential impacts, including to environmental and social justice communities
 - Hope there will be additional capacity and support provided to local governments
- It would be helpful to have a communication channel between agencies advancing housing construction/Regional Housing Needs Assessments (RHNA) and the CPUC to discuss where resources are needed

Announcements

- Energy Council Board update: 6/26 board meeting will include election of officers
- [Topic Brief](#) linked on Budget Priorities
- July TAG meeting will focus on BayREN updates (lots of programs) so we are extended it to 1.5 hours on Zoom
- Ava’s board voted 6/12/24 to increase funding to the HPWH contractor incentive program starting again this summer and extending through March 2025 when the program is set to end. \$1M was set aside for this. StopWaste leads this program with BayREN (and it includes CleanPowerSF and Silicon Valley Power as well). Ava’s previous funding ended Fall 2023. TECH will be having a new phase of market rate funding starting around August/Sept for HPWHs. HEAR (IRA funding) will be starting sometime this late summer/early fall likely but will only be for multi-family as well as single family HVAC, not HPWHs.