

Bob Carling, **WMA President**

City of Livermore, WMA, EC

Francisco Zermeño, **WMA 1<sup>st</sup> Vice President**

City of Hayward, WMA, EC

Tracy Jensen, **WMA 2<sup>nd</sup> Vice President**

City of Alameda, WMA, EC

David Haubert, **EC President**

County of Alameda, WMA, EC

Michael Hannon, **EC 1<sup>st</sup> Vice President**

City of Newark, WMA, EC

David Mourra, **EC 2<sup>nd</sup> Vice President**

City of Emeryville, 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

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

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 (WMA) BOARD AND THE ENERGY COUNCIL (EC)**

**Wednesday, September 27, 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: 200 Old Bernal, City Council Conf. Rm. Pleasanton, CA
- Teleconference location #3: 118 Glashaus Loop, Emeryville, CA
- Teleconference location #4: Scott Haggerty Heritage House, 4501 Pleasanton Ave, Pleasanton, CA
- Teleconference location #5: 1404 LeRoy Ave., Berkeley, CA
- Teleconference location #6: David W. Smith City Hall, 37101 Newark Blvd., Conf. Rm #1, Newark, CA
- Teleconference location #7: Heron Bay Regatta Park, 2296 Regatta Way, San Leandro, 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 894 2977 6145
2. Using the [Zoom](#) website or App and entering meeting code 894 2977 6145

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, September 27, 2023. The public may also comment by sending an e-mail to [publiccomment@stopwaste.org](mailto: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 July 26, 2023**

**5 2. Authorization for the Final Disposition of Certain Records (Arliss Dunn)**

Adopt resolution 2023-08 authorizing staff to purge the attached list of agency records that have exceeded the minimum retention schedule.

**9 3. LAIF Resolution - Update List of Authorized Signers (Timothy Burroughs & Jennifer Luong)**

Staff recommends that the WMA Board approve the attached resolution updating the current authorized signers.

### **VI. REGULAR CALENDAR**

**11 1. Alameda County Food Recovery Network Update (Cassie Bartholomew & Hugo Gregoire)**

This item is for information only.

**13 2. WMA Board Rules of Procedure for Teleconferencing (Timothy Burroughs)**

Staff recommends that the Board evaluate the amendments to the Rules of Procedure adopted on January 25, 2023.

**3. 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, October 12, 2023 at 4:00 p.m., StopWaste, 1537 Webster Street, Oakland, CA)

**61 4. BayREN Contract for 2024-2027 and Business Plan Update (Emily Alvarez) (EC only)**

Adopt the attached Resolution authorizing the Executive Director to enter into a four-year contract starting January 1, 2024, with ABAG for BayREN services and other related actions.

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

### **VIII. ADJOURNMENT – to OCTOBER 25, 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, July 26, 2023**

**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**

City of Alameda	Tracy Jensen, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Emeryville	David Mourra, WMA, EC
City of Fremont	Yang Shao, WMA, EC
City of Livermore	Bob Carling, WMA, EC, RB (WMA President)
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC, RB
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Jen Cavanaugh, WMA, EC
City of Pleasanton	Jack Balch, WMA, EC
City of San Leandro	Fred Simon, WMA, EC
City of Union City	Jeff Wang, WMA, EC

**Absent**

County of Alameda	David Haubert, WMA, EC, (EC President)
City of Albany	Jennifer Hansen-Romero, WMA, EC
City of Dublin	Melissa Hernandez, WMA, EC
City of Hayward	Francisco Zermeño, WMA, EC

**Staff Participating**

Timothy Burroughs, Executive Director  
Pat Cabrera, Administrative Services Director  
Alma Freeman, Communications Manager  
Justin Lehrer, Operations Manager  
Michelle Fay, Program Manager  
Matt Zimbalist, Program Manager  
Miya Kitahara, Program Manager  
Arliss Dunn, Clerk of the Board  
Adrienne Ramirez, Assistant Clerk of the Board  
Richard Taylor, WMA Legal Counsel

### III. ANNOUNCEMENTS BY PRESIDENTS

There were none.

### IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

Arthur Boone provided public comments. There were no other public comments.

### V. CONSENT CALENDAR

#### 1. Approval of the Draft WMA & EC Minutes of June 28, 2023

#### 2. Enforcement Ordinance Amendment (Else Lebsack)

Staff recommends that the WMA Board adopt the ordinance set forth in Attachment A. 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.

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

The Clerk called the roll: WMA Vote: 12-0 and EC Vote: 11-0.

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

### VI. REGULAR CALENDAR

#### 1. Alameda County Recycling Markets Network and SB 54 (Michelle Fay & Timothy Burroughs)

This item is for information only.

Timothy Burroughs and Michelle Fay provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [Recycling-Markets-Network-memo.pdf](#). Additional time was provided to the Board for discussion and for clarifying questions. An audio link to the discussion is available here: [Recycling-Markets-Network-Discussion](#)

There were no public comments on this item. President Carling thanked staff for a very informative presentation.

#### 2. Bay Area Construction Innovation Cluster Update (Karen Kho & Matt Zimbalist)

This item is for information only.

Timothy Burroughs introduced the item and Matt Zimbalist provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [Innovation-Cluster-Update-memo.pdf](#). Additional time was provided to the Board for discussion and for clarifying questions. An audio link to the discussion is available here: [Innovation-Cluster-Discussion](#)

There were no public comments on this item. President Carling thanked Mr. Zimbalist for the presentation.

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

(The Planning Committee/Recycling Board meeting on Thursday, August 10, 2023 at 4:00 p.m. StopWaste, 1537 Webster Street, Oakland, CA)

There were no requests for an interim appointment.

**Energy Council Vice Chair Hannon chaired the item.**

#### 4. Climate Pollution Reduction Grant Contract (Timothy Burroughs & Miya Kitahara) (EC only)

Adopt the attached Resolution authorizing the Executive Director to enter into a contract for Climate Pollution Reduction Grant and other related actions.

## **DRAFT**

Timothy Burroughs introduced the item and Miya Kitahara provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [EPA-Climate-Pollution-Grant-memo.pdf](#). Additional time was provided to the Board for discussion and for clarifying questions. An audio link to the discussion is available here: [EPA-Climate-Pollution-Grant-Discussion](#)

Arthur Boone provided public comments. There were no additional public comments. Board member Carling moved approval of the staff recommendation. Board member Wang seconded, and the motion carried 13-0. The Clerk called the roll:

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

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

Mr. Burroughs announced that the monthly topic brief for July highlights the Recycling Markets Network. A link to the topic brief is available [here](#). The Board will recess for the month of August. The next meeting will be held on September 27, 2023.

### **VIII. ADJOURNMENT – TO SEPTEMBER 27, 2023 AT 3:00 P.M.**

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**DATE:** September 27, 2023

**TO:** Waste Management Authority (WMA) Board

**FROM:** Arliss Dunn, Clerk of the Board

**SUBJECT:** Authorization for the Final Disposition of Certain Records

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### **SUMMARY**

At the January 23, 2019 WMA meeting, the Board approved an update to the Records Retention Schedule, Resolution #WMA 2019-01, that outlines the minimum time a record must be retained and a method of purging information on a scheduled basis when no longer useful or relevant.

### **BACKGROUND**

The Agency utilizes Iron Mountain Data Management to safely and securely store physical records offsite and maintains an internal spreadsheet as a record of such files. Staff has developed a list of records with written consent of Agency Counsel that are no longer useful or relevant and have exceeded the minimum retention threshold.

### **RECOMMENDATION**

Adopt resolution 2023-08 authorizing staff to purge the attached list of agency records that have exceeded the minimum retention schedule.

Attachments:

Exhibit A:  
Resolution #WMA 2023-08 approving Agency Records Disposition Log

**EXHIBIT A**

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY  
RESOLUTION #WMA 2023-08**

**MOVED:  
SECONDED:**

**AT THE MEETING HELD SEPTEMBER 27, 2023  
AUTHORIZING THE FINAL DISPOSITION OF CERTAIN RECORDS**

**WHEREAS**, Alameda County Waste Management Authority Resolution #WMA 2019-01 established a records retention schedule and authorizes destruction of certain records, documents, instruments, books or paper after the same are no longer required with the approval of the Board and the written consent of Agency Counsel.

**NOW, THEREFORE**, the Board of the Alameda County Waste Management Authority hereby resolves as follows:

1. Agency staff and counsel are hereby authorized to have destroyed those certain documents, instruments, books or paper (collectively, "Records") under their charge as described in Exhibit A. Notwithstanding the foregoing, if the Agency Counsel determines that any Records should be retained for any reason those Records shall be retained and destroyed at a later date determined by the Executive Director in consultation with Agency Counsel.

ADOPTED BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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**Timothy Burroughs, Executive Director**



## AGENCY RECORDS DISPOSITION LOG

### RETENTION PERIOD

AU = Year of Audit

CL = Year the Matter (contract, lease, etc.) is Closed

CU = Year Record is Created

SU = Year the Record is Superseded by a New Record

T = Year an Employee Leaves the Agency

Description of Records	Records Series	Retention Period	Date of Records
1. Recycling Board Grants/Contracts/Funding Agreements	Financial – Grants Given and Received – Funding Agreements	CL+5	1994-2000
2. Finance - Purchase Orders/Contracts	Financial – Accounting – Vendor Contracts	AU+6	2005-2011
3. Personnel – Employment Applications/Resumes	Personnel – Recruitment – Employment Applications and Resumes - May include applications and resumes for those considered and/or selected for the position	CU+2	2017-2020
4. Planning	Solid Waste Management – Reports/Studies	SU+2	1985-1990
5. Contracts and Funding Agreements	Financial – Grants Given and Received -	CL+5	2000-2004
6. Contracts and Funding Agreements	Financial- Grants Given and Received- Grants Denied/Closed	CL+5	2009-2014
7. Public Information/Relations	Annual Agency Seminar	CU+2	1980-1994
8. Public Information/Relations	Food Waste Yard Labels – no longer relevant	CU+2	2000-2010
9. General Counsel – General Correspondence	Administration – General Administration – General Correspondence	CU+2	2001-2015
10. General Counsel – Complaints	Administration – General Administration – Complaints	CU+2	2001-2015

11. General Counsel – Public Records Act Requests	Administration – Public Information/Relations- Public Records Act Requests	CL+2	2001-2015
12. General Counsel – Claim Files	Administration – Risk Management/Insurance – Claim Files	CL+5	2001-2015
13. General Counsel - Grants	Administration – Grants Given and Received – Funding Agreements	CL+5	2001-2015
14. General Counsel – ACWMA Policies and Procedures	Legal/Legislative – Waste Management Authority – Policies and Procedures	SU+2	2001-2015

DESTRUCTION APPROVED BY AGENCY BOARD ON [DATE].

AGENCY COUNSEL CONSENTS TO DESTRUCTION  
OF THE RECORDS, DOCUMENTS, INSTRUMENTS,  
BOOKS OR PAPER DESCRIBED ABOVE:

\_\_\_\_\_  
Richard Taylor  
Agency Counsel

\_\_\_\_\_  
Date

1692202.1



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**DATE:** September 27, 2023  
**TO:** Waste Management Authority Board  
**FROM:** Timothy Burroughs, Executive Director  
**BY:** Jennifer Luong, Financial Services Manager  
**SUBJECT:** LAIF Resolution - Update List of Authorized Signers

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## **BACKGROUND**

Alameda County Waste Management Authority maintains a money fund account with the State's Local Agency Investment Fund (LAIF). LAIF requires that a resolution approving authorized signers to deposit or withdraw monies shall be submitted whenever changes to the previous list of authorized signers occurs. The attached resolution is updated with the current authorized signers.

## **RECOMMENDATION**

Staff recommends that the WMA Board approve the attached resolution updating the current authorized signers.

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY**

**RESOLUTION # WMA 2023-09**

**MOVED:**

**SECONDED:**

**AT THE MEETING HELD SEPTEMBER 27, 2023**

**RESOLUTION AUTHORIZING INVESTMENT OF MONIES  
IN THE LOCAL AGENCY INVESTMENT FUND (LAIF)**

**WHEREAS**, pursuant to Chapter 730 of the statutes of 1976, Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

**WHEREAS**, the Board does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investments as stated therein is in the best interests of the Alameda County Waste Management Authority; and

**NOW THEREFORE, BE IT RESOLVED**, that the Board does hereby authorize the deposit and withdrawal of Alameda County Waste Management Authority monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for purposes of investment as stated therein.

**BE IT FURTHER RESOLVED**, that the following Alameda County Waste Management Authority officers or their successors in the office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Timothy Burroughs, Secretary and Executive Director

\_\_\_\_\_  
Signature

Jennifer Luong, Financial Services Manager

\_\_\_\_\_  
Signature

Justin Lehrer, Operations Manager

\_\_\_\_\_  
Signature

Nisha Patel, Management Analyst

\_\_\_\_\_  
Signature

**ADOPTED BY THE FOLLOWING VOTE:**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**Attest:** \_\_\_\_\_

Arliss Dunn, Clerk of the Board



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**DATE:** September 27, 2023

**TO:** Waste Management Authority (WMA) Board

**FROM:** Cassie Bartholomew, Senior Program Manager  
Hugo Grégoire, Program Services Specialist II

**SUBJECT:** Alameda County Food Recovery Network Update

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## **SUMMARY**

For the past decade, StopWaste has been strengthening our partnerships with food recovery organizations to better understand their growing needs. As part of this work, StopWaste regularly convenes the Alameda County Food Recovery Network, comprised of a group of diverse food recovery organizations operating throughout the county. At the September 27 board meeting, staff will provide an overview of the network and examples of how the network supports the vital work that food recovery partners are leading in the county to address food insecurity and reduce food waste.

## **DISCUSSION**

StopWaste formed the Alameda County Food Recovery Network to help expand capacity and food recovery coordination in the county. The network includes a wide range of food recovery organizations and other community groups (faith-based organizations, housing agencies, etc.), all working to help facilitate the rescue and/or redistribution of edible surplus food. They are united by a common goal to ensure that surplus edible food is put to its highest and best use—to nourish people. The network provides a space for collaboration, connection, relationship building, and learning to strengthen the county’s food recovery landscape.

Over 35 organizations joined the first network meeting in 2021 which focused on providing information and gathering feedback on the food donation aspects of SB 1383 regulations. Over 50 organizations now participate in monthly meetings to collaborate on topics ranging from SB 1383 edible food recovery implementation, building efficiency into food recovery operations, and enhancing the network’s collective contribution to building an equitable, healthy community food system in Alameda County.

## **RECOMMENDATION**

This item is for information only.

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**DATE:** September 27, 2023

**TO:** Waste Management Authority (WMA) Board

**FROM:** Timothy Burroughs, Executive Director

**SUBJECT:** WMA Board Rules of Procedure for Teleconferencing

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## **SUMMARY**

On January 25, 2023, the WMA Board adopted a resolution to amend its Rules of Procedure to remove the limit on the number of Board Members who may utilize teleconferencing for board and committee meetings; to not incorporate the Just Cause and Personal Emergency Provisions of AB 2449 into the Rules of Procedure; and to require that Board Members provide the Clerk of the Board at least six days' notice in advance of the affected board meeting if they wish to utilize teleconferencing from a noticed location. The resolution also directed that the Board evaluate these changes to the Rules of Procedure in nine months. The purpose of this agenda item is to enable the Board to evaluate the amendments to the Rules of Procedure adopted in January.

## **DISCUSSION**

Prior to interim amendments approved by the Board in March 2022, the Board's Rules of Procedure stated that no more than four Board members may utilize teleconferencing for a WMA Board meeting. The Rules also stated that for the Programs & Administration Committee, no more than two Committee members may utilize teleconferencing at a given Committee meeting.

As was discussed when the Board approved the interim amendments to the Rules in March 2022 and then affirmed those amendments in January 2023, it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of board members who may participate remotely, consistent with the Brown Act. Providing a teleconference option for Board Members creates environmental as well as health benefits. The Board has also demonstrated its ability to efficiently and effectively carry out its work under the current Rules of Procedure. Staff has appreciated that Board Members have made it their practice to notify the Clerk at least six days in advance of a given Board or Committee meeting if they wish to teleconference from a noticed location.

The Board chose to not incorporate the provisions of AB 2449 into its Rules of Procedure because the law requires somewhat complicated criteria that must be satisfied, procedures that must be implemented, and limitations on the number of times a Board Member can rely on these provisions

to attend remotely. AB 2449 also sunsets at the end of 2025. For more detail on the provisions of AB 2449, see the 2<sup>nd</sup> page of Attachment 3.

Staff is not recommending any changes to the amendments that the Board adopted in January 2023.

#### **RECOMMENDATION**

Staff recommends that the Board evaluate the amendments to the Rules of Procedure adopted on January 25, 2023.

Attachment 1: Resolution #WMA 2023-02 (adopted January 25, 2023)

Attachment 2: WMA Board Rules of Procedure

Attachment 3: Nov 10, 2022, Memo to the P&A Committee



ATTACHMENT 1

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY BOARD

RESOLUTION #WMA 2023-02

MOVED: SIMON

SECONDED: HAUBERT

AT THE MEETING HELD JANUARY 25, 2023

AMENDMENTS TO THE RULES OF PROCEDURE REGARDING TELECONFERENCING

**WHEREAS**, the Alameda County Waste Management Authority Rules of Procedure allow no more than four WMA Board members to utilize teleconferencing at a Board meeting at no more than four teleconferencing locations, and

**WHEREAS**, the WMA Board Rules of Procedure allow no more than two members of the Programs & Administration Committee to utilize teleconferencing at a Committee meeting at no more than two teleconference locations, and

**WHEREAS**, on March 23, 2022, the Waste Management Authority Board adopted interim amendments to the Board's Rules of Procedure to remove the limit on the number of Board members who may utilize teleconferencing for Board meetings and directed that the interim amendments remain in place until the end of calendar year 2022, at which time the Board would reevaluate and consider next steps, and

**WHEREAS**, it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of Board members who may participate by teleconference, the Board has demonstrated that it can efficiently and effectively carry out its work while participating remotely, and having the option to participate remotely creates both environmental and health benefits, and

**WHEREAS**, the Brown Act sets strict rules for teleconferencing, designed to enable members of the public to access and participate in meetings of legislative bodies at teleconference locations, and

**WHEREAS**, at its November 10, 2022, meeting, the Programs & Administration Committee approved a recommendation to amend its Rules of Procedure to remove the limit on the number of Board Members who may utilize teleconferencing for board and committee meetings; to not incorporate the Just Cause and Personal Emergency provisions of AB 2449 into the Rules of Procedure; and to require that Board Members provide the Clerk of the Board at least six days' notice in advance of the affected board meeting if they wish to utilize teleconferencing from a noticed location; and that the Board evaluate these changes to the Rules of Procedure in nine months.

**WHEREAS**, in this resolution, text to be added to the WMA Rules of Procedure is shown in underlined italics (*example*) and text to be deleted is shown in strikeout (~~example~~).

**NOW THEREFORE, BE IT RESOLVED**, that Section 3-8 of the WMA Board Rules of Procedure is amended as follows:

Section 3-8 Teleconferencing:

WMA Board members who are unable to attend a meeting in person or at a noticed remote location are encouraged to have their member agency's alternate attend in their place. WMA Board members unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section. ~~No more than four WMA Board members may utilize teleconferencing at a WMA Board meeting at no more than four teleconferencing locations.~~ A WMA Board member wishing to utilize teleconferencing from a noticed location should notify the Clerk of the Board at least six (6) days prior to ~~the release of the agenda for~~ the affected WMA Board meeting of the teleconference location that is accessible to the public. ~~Agendas are typically released five (5) days in advance of the~~

~~meeting.~~ The Clerk of the Board will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Remote participation using the Brown Act's "just cause" and "personal emergency" provisions is not allowed. Votes at a WMA Board meeting where teleconferencing is utilized will be taken by roll call and all other applicable requirements of the Brown Act will be followed. ~~If more than four members request teleconferencing, the four selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the WMA Board.~~ Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.

**BE IT FURTHER RESOLVED,** that Section 5-13 of the WMA Rules of Procedure is amended as follows:

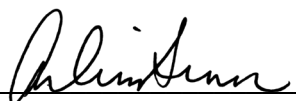
Section 5-13 Teleconferencing:

Committee members who are unable to attend a meeting in person may participate in meetings by teleconference in accordance with the procedures set forth in Section 3-8 of these Rules of Procedure ~~are encouraged to have their member agency's alternate attend in their place. Committee members unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section. No more than two Committee members may utilize teleconferencing at a Committee meeting at no more than two teleconferencing locations. A Committee member wishing to utilize teleconferencing from a noticed location should notify the Clerk of the Board prior to the release of the agenda for the affected Committee meeting of the teleconference location that is accessible to the public. Agendas are typically released five (5) days in advance of the meeting. The Clerk of the Board will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a Committee meeting where teleconferencing is utilized will be taken by roll call. If more than two members request teleconferencing, the two selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the WMA Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.~~

**BE IT FURTHER RESOLVED,** that the Board shall review these amendments no later than November 30, 2023.

**Passed and adopted this 25<sup>th</sup> day of January 2023 by the following vote:**

**AYES:** Carling, Cavanaugh, Hannon, Haubert, Hernandez, Jensen, Kalb, Kassan, Mourra, Sadoff, Simon, Wang, Wengraf, Young, Zermeno  
**NOES:** Balch  
**ABSENT:** Hansen-Romero  
**ABSTAINED:** None

  
Arliss Dunn, Clerk of the Board

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

WASTE MANAGEMENT AUTHORITY BOARD

RULES OF PROCEDURE

REVISED January 25, 2023

Article 1

General Provisions

- Section 1-1      Name of Board The name of the Board is the Alameda County Waste Management Authority Board (hereinafter referenced as “WMA Board”).
- Section 1-2      Authority for Rules These rules apply to the WMA Board (including Committees of the WMA Board) and are adopted pursuant to the Joint Exercise of Powers Agreement for Waste Management dated February 13, 1990, as it may be amended from time to time. The provisions of said agreement are herein incorporated by reference.
- Section 1-3      Purpose of Rules The purpose of these rules is to provide for the orderly and fair conduct of the meetings of the WMA Board.

Article 2

Organization of WMA Board

- Section 2-1      Composition of WMA Board The WMA Board is composed of seventeen (17) members and seventeen (17) alternates appointed pursuant to the agreement creating the Alameda County Waste Management Authority (hereinafter referenced as “WMA”).
- Section 2-2      Officers The Officers of the WMA Board shall be a President, First Vice-President and Second Vice-President, who shall serve until the elections of their successors in accordance with Section 2-3.
- Section 2-3      Election of Officers The Officers shall be elected at the regular meeting of the WMA in the month of June of each year. They shall be elected by a majority of the total authorized vote of the WMA Board and shall serve from July 1 through June 30 of the following year. No member may serve more than one term in the same leadership position on the WMA Board within a two-year time frame. This does not limit a person who has served in one office for a year serving in a

different office the following year (e.g., the First Vice President in one year serving as the President the next year).

- Section 2-4      Executive Director The WMA Board shall appoint an Executive Director of the WMA who shall be responsible for, among other duties, administration of WMA programs.
- Section 2-5      Duties of President The President shall preside at all meetings of the WMA Board and shall conduct the business of the WMA Board in the manner prescribed by these Rules. The President shall preserve order and decorum and shall decide all questions of order subject to the action of a majority of the WMA Board.
- Section 2-6      Duties of the First and Second Vice-President In the absence or inability of the President to act, the Vice Presidents shall perform the duties of the President in the order of the succession.
- Section 2-7      Duties of Executive Director In addition to the duties set forth in the Joint Exercise of Powers Agreement, the Executive Director shall perform the following duties:
- (a) Prepare an agenda for each meeting of the WMA Board;
  - (b) Attend each meeting of the WMA Board;
  - (c) Appoint a Clerk of the Board to:
    - (i) Notify all WMA Board members of the time and place of each meeting;
    - (ii) Maintain a record of all proceedings of the WMA Board;
    - (iii) Maintain all records of the WMA ;
    - (iv) Maintain records of the proceedings of the WMA Board and its committees ; and
    - (v) Attest to the WMA Board's approval of ordinances, resolutions, and other expressions of WMA Board policy.
  - (d) Perform other duties directed by law, the Officers, or the WMA Board. These duties may be delegated as determined necessary by the Executive Director.

Article 3  
Meetings of WMA Board

- Section 3-1      Regular Meetings Regular monthly meetings will be held at 3:00 p.m. on the fourth Wednesday of the month, except for the months of November and December when the meetings will be held at 3:00 p.m. on the third Wednesday of the month.
- Section 3-1.1      Cancellation and/or Reschedule of Regular Meetings Any regular meeting of the WMA Board may be canceled or rescheduled by the President, or the Executive Director on the direction of the President, no less than seven (7) calendar days prior to the scheduled date of such meeting. Notification of cancellation or reschedule shall be mailed to all parties who are notified of regular meetings of the WMA Board.
- Section 3-2      Special Meetings Special meetings of the WMA Board may be called by order of the President or by a majority of the members. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.
- Section 3-3      Adjourned Meetings Any regular meeting of the WMA Board may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular meeting. Any special meeting may be adjourned, and any adjourned special meeting is part of the special meeting.
- Section 3-4      Effect of Holiday If any meeting day or adjourned meeting day falls on a holiday, the meeting of the WMA Board shall be specially scheduled by the WMA Board.
- Section 3-5      Quorum A majority of the members of the WMA Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time pursuant to Section 3-6 of these Rules.
- Section 3-6      Absence of Quorum In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.

- Section 3-7      Notice of Meetings All meetings of the WMA Board shall be held subject to the provisions of the Ralph M. Brown Act (see Sections 54950 et. seq. of the California Government Code) and other applicable laws of the State of California requiring notice of meetings of the WMA Board.
- Section 3-8      Teleconferencing WMA Board members who are unable to attend a meeting in person or at a noticed remote location are encouraged to have their member agency's alternate attend in their place. WMA Board members unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section. A WMA Board member wishing to utilize teleconferencing from a noticed location should notify the Clerk of the Board at least six (6) days prior to the affected WMA Board meeting of the teleconference location that is accessible to the public. The Clerk of the Board will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Remote participation using the Brown Act's "just cause" and "personal emergency" provisions is not allowed. Votes at a WMA Board meeting where teleconferencing is utilized will be taken by roll call and all other applicable requirements of the Brown Act will be followed. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.
- Section 3-9      Compensation WMA Board members and alternates are compensated in accordance with compensation policies approved by the WMA Board. WMA Board members must attend a WMA Board meeting to be compensated for that meeting. An agency appointed alternate may be compensated only if WMA member from that agency is not present at the meeting.

Article 4  
Conduct of Meetings

- Section 4-1      Order of Business The business of each meeting of the WMA Board shall be transacted as far as is practicable in the following order:
- (a) Call to order;
  - (b) Roll call of attendance;
  - (c) Announcements by President;
  - (d) Open public discussion from the floor;
  - (e) Approval of minutes of prior meetings (may be included in the consent calendar);
  - (f) Consent calendar;
  - (g) Regular calendar;
  - (h) Member comments and communications from the Executive Director; and
  - (i) Adjournment.

The above order of business may be suspended or changed at any time upon order of the President. The consent calendar may contain those matters the nature of which have been determined by the Executive Director to be routine, and items that have been recommended by a Committee for WMA Board approval, and will be approved by a single action. Any item shall be removed from the consent calendar and placed for discussion on the regular calendar at the request of any member. WMA Board members who were not in attendance at a meeting but have read the minutes of the meeting may vote in connection with approval of those minutes. The regular calendar shall contain all other matters and business.

Open public discussion from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the WMA, but not listed on the agenda. Each speaker is limited to three minutes unless a shorter period of time is set by the President.

- Section 4-2      Parliamentary Rules The rules and procedures set forth in Rosenberg's Rules of Order (Exhibit 1) are hereby adopted for the government of the WMA Board in all cases not otherwise provided for in these rules.

- Section 4-3      Vote Required A two-thirds majority of the total authorized vote shall be required for expenditures of \$500,000 or more. Except as

provided by the Joint Powers Agreement (specifically amendments to the JPA and approval of a new member to the JPA which also require a two-thirds majority of the authorized vote), a majority of the authorized vote shall be required for all other actions.

An abstention to vote by any member shall be construed as that member not voting on a particular matter.

- Section 4-3.1      Alternate's Vote An agency alternate may vote on any matter under consideration only in the absence of the agency member from the meeting or as provided under Section 4-6 of these rules.
- Section 4-4      Roll Call Votes Roll call votes shall proceed in the following manner:  
(i) The presiding officer will direct the Clerk of the Board to report on the WMA Board members who have joined or left the meeting since the roll call of attendance at the beginning of the meeting;  
(ii) The presiding officer will ask for a voice vote on the matter;  
(iii) If there are no "nay" votes or abstentions, the presiding officer will direct that the matter be reported as passed unanimously with the names of all WMA Board members in attendance reported as voting in favor;  
(iv) If there are any "nay" votes or abstentions, the presiding officer will direct the Clerk of the Board to call the name of each agency and record the vote of the representative of the agency and then report the total number of "aye," "nay" and "abstain" votes.  
(v) The roll call shall be in alphabetical order of the name of the agency, except that the President shall be called last.
- Section 4-5      Roll Call Not Required The roll need not be called in voting upon a motion except when requested by a member or otherwise required by law. If the roll is not called, in the absence of objection, the President may order the motion unanimously approved.
- Section 4-6      Voting Ineligibility Any member attending a WMA Board meeting and ineligible to vote on any matter under consideration by the WMA Board at that meeting shall briefly describe the reason for being ineligible and then leave the WMA Board table before the matter is considered and refrain from participation in any action concerning the matter. If the member is ineligible due to a conflict of interest under the Political Reform Act, the member's disclosure shall include the information required by that Act and the member shall leave the room and not be counted towards a quorum. Notwithstanding the



foregoing, a member is not required to leave the WMA Board table or room for matters that are on the consent calendar.

## Article 5 Committees

### Section 5-1 Committees: Specific Committees, Notice of Meetings and General Rules

The WMA Board has two Committees: The Programs and Administration Committee (P&A) and the Alameda County Recycling Board serving as a committee of the WMA (Planning Committee). (See Sections 5.3– 5.6)

Any committee that constitutes a quorum of the WMA Board shall be noticed as both a meeting of the committee and a meeting of the WMA Board. Meetings of the Planning Committee shall be noticed as both a meeting of the committee and a meeting of the Recycling Board (RB). General rules pertaining to WMA Board committees are as follows:

- Only Committee members are permitted to vote on matters before the Committee.
- WMA alternates are members of the P&A Committee if the WMA P&A Committee member from their agency is not present.
- Because WMA alternates may not serve on the RB per the County Charter, WMA alternates are not members of the Planning Committee under any circumstances.
- No Committee may take final agency action on behalf of the WMA Board.
- Only Committee members (including WMA alternates attending the P&A Committee if the WMA member from their agency is not present) will receive compensation for attending the meeting.
- A majority of the Committee members present and voting is required for adoption of recommendations/actions.
- WMA Board members who are not Committee members may attend a Committee meeting but will not count towards formation of the quorum necessary to conduct the meeting nor will they receive compensation.

Section 5-2      Planning Committee Vacancy When a vacancy occurs on the Planning Committee, the Executive Director shall request the WMA Board to appoint a replacement.

Section 5-3      P&A Committee This committee consists of the twelve WMA Board members who are not members of the Recycling Board (RB)/Planning Committee.

The P&A Committee primarily provides oversight for administration and communications projects and other projects that are not assigned to the Planning Committee.

Section 5-4      The P&A Committee Administration. The P&A Committee meets on the 2nd Thursday of each month at 9:00 a.m. at the WMA office. Six P&A Committee members constitute a quorum. The officers of the P&A Committee shall be a Chair and Vice Chair who shall serve until the elections of their successors. Beginning in June 2018 the Chair and Vice Chair shall be elected at the regular meeting of the Committee in the month of June of each year. They shall be elected by a majority of the total authorized vote of the Committee and shall serve from July 1 through June 30 of the following year. Beginning July 1, 2018, no member may serve more than one term in the same leadership position on the P&A Committee within a two-year time frame. This does not limit a person who has served in one office for a year serving in a different office the following year (e.g., the Vice Chair in one year serving as the Chair the next year).

Section 5-5      Planning Committee. This committee consists of the eleven Recycling Board (RB) members. The Planning Committee will primarily provide oversight for projects assigned to it in the areas of source reduction, market development, recycled content purchasing, grants to non-profits, and planning projects.

Section 5-6      Planning Committee Administration. The RB typically meets on the second Thursday of each month at 4 or 7 p.m. at locations determined by the RB. Meetings of the Planning Committee will be at the times and locations of RB meetings. Six RB members constitute a quorum. In accordance with Measure D, the RB formulates rules for its own procedures and other rules as necessary to facilitate the implementation of Measure D.

- Section 5-7      Other Committees The President or the WMA Board may appoint such other committees from time to time as may be appropriate to administer the powers and programs of the WMA.
- Section 5-8      Cancellation and/or Reschedule of Regular Committee Meetings Any regular Committee meeting of the WMA may be canceled or rescheduled by the Chair, or the Executive Director with the consent of the Chair, no less than seven (7) calendar days prior to the scheduled date of such meeting. Notification of cancellation or reschedule shall be mailed to all parties who are notified of regular meetings of the Committee.
- Section 5-9      Special Meetings Special Committee meetings may be called by order of the applicable Committee Chair or the Executive Director with the consent of the Chair or by a majority of the members of the Committee acting at a properly noticed public meeting. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.
- Section 5-10     Adjourned Meetings Any regular meeting of a Committee may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular meeting. Any special meeting may be adjourned, and any adjourned special meeting is part of the special meeting.
- Section 5-11     Effect of Holiday If any meeting day or adjourned meeting day falls on a holiday, the meeting of the Committee shall be specially scheduled by a majority vote of the Committee.
- Section 5-12     Absence of Quorum In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.
- Section 5-13     Teleconferencing Committee members who are unable to attend a meeting in person or at a noticed remote location are encouraged to have their member agency's alternate attend in their place. Committee members unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section. A Committee member wishing to utilize teleconferencing from a noticed location should notify the Clerk of the Board at least

six (6) days prior to the affected Committee meeting of the teleconference location that is accessible to the public. The Clerk of the Board will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Remote participation using the Brown Act's "just cause" and "personal emergency" provisions is not allowed. Votes at a Committee meeting where teleconferencing is utilized will be taken by roll call and all other applicable requirements of the Brown Act will be followed. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.



# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



## MISSION and CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

## VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

### About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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### About the Author

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



## Table of Contents

About the Author.....	ii
Introduction .....	2
Establishing a Quorum.....	2
The Role of the Chair.....	2
The Basic Format for an Agenda Item Discussion.....	2
Motions in General .....	3
The Three Basic Motions .....	3
Multiple Motions Before the Body .....	4
To Debate or Not to Debate .....	4
Majority and Super-Majority Votes .....	5
Counting Votes .....	5
The Motion to Reconsider .....	6
Courtesy and Decorum .....	7
Special Notes About Public Input .....	7



## Introduction

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The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

### The Role of the Chair


While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:





**First,** the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second,** following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third,** the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth,** the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

**Fifth,** the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

**Sixth,** the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh,** if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth,** the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth,** the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

**Tenth,** the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

## Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”


The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion,** for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body,** “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion.** As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

## The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion.** The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



**The motion to amend.** If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

## Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

**First**, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

**Second**, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

**Third**, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

## To Debate or Not to Debate


The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**Motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**Motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.



**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**Motion to limit debate.** The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**Note:** A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

## Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

**Motion to limit debate.** Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

## Counting Votes

The matter of counting votes starts simple, but can become complicated.


Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?*

*Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

## The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.





## Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

**Order.** The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

## Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.



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**DATE:** November 10, 2022

**TO:** Programs and Administration Committee

**FROM:** Timothy Burroughs, Executive Director

**SUBJECT:** Rules of Procedure for Teleconferencing at Waste Management Authority Board and Committee Meetings

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## SUMMARY

In March 2022, the Waste Management Authority (WMA) Board adopted interim amendments to the Board's Rules of Procedure to remove the limit on the number of Board Members who may utilize teleconferencing for Board and Committee meetings, consistent with the Brown Act. The Board directed that the interim amendments would be in place until the end of the calendar year, at which time the Board would reevaluate and consider next steps. The purpose of this memo is for the Programs & Administration (P&A) Committee to consider providing a recommendation to the WMA Board to retain the approved amendments moving forward.

In addition, at the same time as affirming the above-mentioned amendments, staff recommends that the Committee recommend that the Board also adopt amendments to the Rules of Procedure to incorporate the provisions of Assembly Bill (AB) 2449, which was signed by the Governor in September 2022 and adds a new limited teleconferencing option for Board and Committee members.

## DISCUSSION

*Amendments to Rules of Procedure to remove limits on the number of Board Members who may participate remotely* – Prior to the interim amendments approved by the WMA Board in March 2022, the WMA Board's Rules of Procedure, which are approved and can be revised by the Board, stated that no more than four Board members may utilize teleconferencing for a WMA Board meeting at no more than four teleconferencing locations. The Rules of Procedure also stated that for the P&A Committee, no more than two Committee members may utilize teleconferencing at a given Committee meeting, at no more than two teleconferencing locations.

The November P&A Committee meeting is an opportunity to evaluate the Board's interim amendments to remove the limit on the number of Board Members who may utilize

teleconferencing for Board or Committee meetings. Staff recommends that the Committee recommend to the WMA Board to affirm the approved amendments moving forward. As was discussed by the Committee in March, it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of Board Members who may participate by teleconference. Further, providing a teleconference option for Board Members creates environmental benefits from reduced vehicle miles travelled, as well as health benefits. The Board has also demonstrated its ability to efficiently and effectively carry out its work while participating remotely.

*Amendments to the Rules of Procedure to incorporate provisions of AB 2449* – The passage of AB 2449 means that there are now three distinct options for Board Members to teleconference for board and committee meetings:

1. “The Usual” option: This option is generally the teleconferencing option that has historically been available; it requires the Board member to post a hard copy of the agenda at their remote location and allow the public to physically attend the meeting at the location where the Board member is located (e.g., Board member’s home, office, or hotel room). This option does not have a sunset. (See Government Code section 54953(b).)
2. “The Covid Emergency (AB 361)” option: This is the teleconferencing option the legislature adopted in September 2021 (AB 361) in response to COVID-19; it requires the Board to monthly make certain findings regarding the state of emergency and its impact on the ability to safely meet, and/or the continued imposition or recommendation of measures to promote social distancing. As law, AB 361 sunsets at the end of 2023 but it will actually become unavailable on February 28, 2023 because the Governor has announced he will rescind the COVID emergency declaration as of that date. The existence of a state of emergency is one of the findings the Board is required to make in order to participate remotely using the streamlined teleconferencing rules created by AB 361. (See Government Code section 54953(e).)
3. “The Just Cause or Personal Emergency” option created by AB 2449: This new option provides two distinct grounds for a Board or Committee Member to attend remotely: (i) for Just Cause, or (ii) for a personal Emergency. The legislation provides somewhat complicated criteria that must be satisfied, procedures that must be implemented, and limitations on the number of times a Board Member can rely on these bases to attend remotely. This option is scheduled to sunset at the end of 2025. (See Government Code section 54953(f)<sup>1</sup>.) A detailed review of the provisions of AB 2449 is included below.

#### ***Using the Just Cause and Personal Emergency options included in AB 2449***

As long as the WMA continues to make findings under the COVID Emergency options (AB 361), there is no need for any Board Member to use the Just Cause/Personal Emergency option. The Just

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<sup>1</sup> This is renumbered to Section 54953(e) for 2024 and 2025 after AB 361 sunsets.



Cause/Personal Emergency option is only relevant once the COVID Emergency option (AB 361) is not available.

For a Board member to rely on either the Just Cause or Personal Emergency provisions to remotely attend a Board or Committee meeting the following requirements must be met:

1. At least a quorum of the Board must be present at a singular physical location clearly identified on the agenda. If there is less than a quorum at the specified location, then no Board Member may participate using either the Just Cause or Personal Emergency provisions. If one or more Board Members attending at the specified physical location leave the meeting such that there is less than a quorum at that location, then any Board Members using the Just Cause or Personal Emergency provisions may no longer participate in the meeting. The meeting may continue without those Board members as long as there is a quorum of Board Members participating in person or from remote locations using “The Usual” option.
2. The Agency must notice the meeting and meet certain minimum technological requirements similar to those currently in place. Specifically, the WMA must provide (1) for public observation of the meeting via either a two-way audiovisual platform, or a two-way telephonic service accompanied by live webcasting; (2) opportunities for the public to comment via a call-in option, an internet-based option, and an in-person location; (3) information on how to observe and comment in all notices of the meeting; and (4) procedural protections to ensure that the Board takes no action during a disruption that prevents the public from observing or commenting on the meeting.
3. The Board Member must participate via both audio and visual technology (e.g., Zoom with camera turned on). If the Board member’s audio or visual connection is lost during the meeting, the Board Member may not participate until the problem is resolved. Note that this requirement differs from “the Usual” option which allows participation by audio only.
4. The Board Member must disclose at the meeting before action is taken whether there are any adults in the room with the Board member and must disclose the general nature of the member’s relationship with any such individuals.
5. The Board Member must not have exceeded the limits on use of the Just Cause and Personal Emergency provisions during the calendar year. No member may participate remotely using those provisions more than three consecutive months or 20 percent of the regular Board meetings within a calendar year. The WMA and P&A Committee each meet 11 times per year; 20 percent of 11 is 2.2. This means that Board Members may rely on one or both of the Just Cause and Personal Emergency provisions no more than a total of two times per year for Board meetings and two times per year for P&A Committee meetings.
6. The Board Member must inform the Board or Committee of their need to participate remotely for Just Cause or a Personal Emergency “at the earliest opportunity possible.” The legislation acknowledges that this may be as late as the start of the meeting in question.

If the requirements above are satisfied, then a Board Member may rely on either the Just Cause or Personal Emergency if the following additional requirements are satisfied:

**Just Cause** – A Board Member may rely on this provision based on a need related to: (a) caregiving for certain family members, (b) a contagious illness, (c) a physical or mental disability, and (d) travelling while on official business for a public agency. The Board Member is required to provide a general description of the circumstances relating to their need to appear remotely for just cause.

**Personal Emergency** – This provision requires the Board or Committee to approve remote participation and applies only to medical emergencies for the Board Member or their family. The Board member must request approval of remote participation and provide a general description of the circumstances. This description generally need not exceed 20 words and does not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law. There must be a separate request for each meeting at which the member wishes to participate remotely. The Board or Committee may add such requests to the agenda as an urgency item. The law does not provide any guidance on standards to be used by the Board in considering requests for remote participation.

Staff recommends that the Board add a standing agenda item to receive Just Cause reports and Personal Emergency Requests. In the event of such a report the Clerk can verify that the baseline procedural requirements above have been satisfied. Note, however, that if a quorum of the Board or Committee is not attending from a single physical location, neither option will be available, and the Personal Emergency option will be available only at the discretion of the full Board or Committee. For these reasons, once AB 361 is no longer in effect, Board Members unable to attend in person or at a noticed remote location under “the Usual” procedures should consider sending their alternate.

The following table summarizes the discussion above.

	Teleconferencing Options		
	Usual	Covid Emergency	Just Cause or Personal Emergency
<b>Public must be allowed to attend in person at Board member's remote location?</b>	Yes	No	No
<b>Limit on # of Board members that can use this option at the same time?</b>	No (as long as the Board affirms its interim amendments removing this limit in the Rules of Procedure)	No	Yes, at least a quorum must be present at "a singular physical location clearly identified on the agenda"
<b>Limit on # of times a Board member can use the option?</b>	No	No	Yes
<b>Board member must use both audio + visual technology?</b>	No, audio only is acceptable	No, audio only is acceptable	Yes
<b>Quorum of Board members need to attend from locations in the jurisdiction?</b>	Yes, although can be remote locations within the Alameda County	No	Yes (see note above regarding location of quorum)
<b>Required to provide a physical meeting location for public?</b>	Yes, at standard location where regular meeting held in person + at Board member's remote location	No	Yes

<b>Required to provide call-in or internet-based broadcast for public?</b>	No	Yes, although minimum standards not described	Yes, either a two-way audiovisual platform or a two-way telephonic service + live stream; public must be able to provide comment via a call-in option, an internet-based option, and an in-person location
<b>Action must stop if broadcast for public disrupted?</b>	No, no express requirement although City could choose to pause until technology issue resolved and may be prudent to do so	Yes	Yes
<b>Planned to sunset?</b>	No	Yes, law sunsets at end of 2023 and is no longer in effect as of February 28, 2023	Yes, sunsets at end of 2025

## RECOMMENDATION

The P&A Committee recommends that the WMA Board adopt Resolution 2022-17 to remove the limit on the number of Board Members who may utilize teleconferencing for Board and Committee meetings and to incorporate the Just Cause and Personal Emergency provisions of AB 2449.

Attachment A: #WMA Resolution 2022-17

Attachment B: March 23, 2022, WMA Board Memo and Resolution approving interim amendments to the Rules of Procedure to remove the limit on the number of Board Members who may utilize teleconferencing

**ATTACHMENT A**

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY BOARD**

**RESOLUTION #WMA 2022-17**

**MOVED:  
SECONDED:**

**AT THE MEETING HELD December 14, 2022**

**AMENDMENTS TO THE RULES OF PROCEDURE REGARDING TELECONFERENCING**

**WHEREAS**, the Alameda County Waste Management Authority Rules of Procedure allow no more than four WMA Board members to utilize teleconferencing at a Board meeting at no more than four teleconferencing locations, and

**WHEREAS**, the WMA Board Rules of Procedure allow no more than two members of the Programs & Administration Committee to utilize teleconferencing at a Committee meeting at no more than two teleconference locations, and

**WHEREAS**, on March 23, 2022, the WMA Board adopted interim amendments to the Board's Rules of Procedure to remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings and directed that the interim amendments remain in place until the end of calendar year 2022, at which time the Board would reevaluate and consider next steps, and

**WHEREAS**, it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of Board members who may participate by teleconference, the Board has demonstrated that it can efficiently and effectively carry out its work while participating remotely, and having the option to participate remotely creates both environmental and health benefits, and

**WHEREAS**, Assembly Bill 2449 (Rubio) was signed by the Governor on September 13, 2022 and creates a new limited option for Board members to teleconference for board and committee meetings, and

**WHEREAS**, amendments to the WMA Rules of Procedure are required in order to incorporate the provisions of AB 2449, and

**WHEREAS**, the Brown Act sets strict rules for teleconferencing, designed to enable members of the public to access and participate in meetings of legislative bodies at teleconference locations, and

**WHEREAS**, the Programs & Administration Committee has recommended to the WMA Board amendments to the Rules of Procedure that would remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings and that would incorporate the provisions of AB 2449.

**NOW THEREFORE, BE IT RESOLVED**, that Section 3-8 of the WMA Rules of Procedure is amended to read as follows:

WMA Board members who are unable to attend a meeting in person or at a noticed remote location are encouraged to have their member agency's alternate attend in their place. WMA Board

members unable to attend a meeting in person may participate in meetings by teleconference in accordance with the Brown Act as follows: No more than four WMA Board members may utilize teleconferencing at a WMA Board meeting at no more than four teleconferencing locations.

1. Noticed Location. A WMA Board member wishing to utilize teleconferencing from a noticed location should notify the Clerk of the Board prior to the release of the agenda for the affected WMA Board meeting of the teleconference location that is accessible to the public. Agendas are typically released five (5) days in advance of the meeting. The Clerk of the Board will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location.
2. Just Cause or Personal Emergency. A WMA Board member wishing to utilize teleconferencing under the Brown Act's just cause or personal emergency procedures shall notify the Clerk of the Board at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely together with a general description of the circumstances relating to their need to appear remotely. If the Board member is requesting authorization to use the personal emergency procedures the Board shall consider, at the outset of the meeting, whether to approve the request. If a quorum of the Board is not participating in person from the WMA offices (or other specific physical location clearly identified on the agenda) then no Board member may participate using the just cause or personal emergency procedures. A Board member may teleconference pursuant to this provision no more than two times per year. For the purposes of this subsection 2:
  - The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.
  - The member shall participate through both audio and visual technology.
  - "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.
  - "Just cause" means any of the following: (1) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely; (2) A contagious illness that prevents a member from attending in person; (3) A need related to a physical or mental disability; (4) Travel while on official business of the WMA or another state or local agency.

Votes at a WMA Board meeting where teleconferencing is utilized will be taken by roll call and all other applicable requirements of the Brown Act will be followed. ~~If more than four members request teleconferencing, the four selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the WMA Board.~~ Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.

**BE IT FURTHER RESOLVED,** that Section 5-13 of the WMA Rules of Procedure is amended to read as follows:

Committee members unable to attend a meeting in person may participate in meetings by teleconference in accordance with the procedures set forth in Section 3-8 of these Rules of Procedure.

**Passed and adopted this 14<sup>th</sup> day of December 2022 by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

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**Arliss Dunn, Clerk of the Board**

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**DATE:** March 23, 2022

**TO:** Waste Management Authority Board

**FROM:** Timothy Burroughs, Executive Director

**SUBJECT:** Rules of Procedure for Teleconferencing at Waste Management Authority and Committee Meetings

---

### **SUMMARY**

The Waste Management Authority (WMA) Rules of Procedure, which are approved and can be revised by the Board, state that no more than four Board members may utilize teleconferencing for a WMA Board meeting at no more than four teleconferencing locations. The Rules of Procedure also state that for the Programs and Administration (P&A) Committee, no more than two Committee members may utilize teleconferencing at a given Committee meeting, at no more than two teleconferencing locations.

On March 10, 2022, the P&A Committee approved a resolution by a vote of 9-0 (Hannon, Patiño, and Martinez, absent) recommending that the WMA Board adopt interim amendments to the Rules of Procedure, consistent with the Brown Act, to remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings. The interim amendments would be in place until the end of calendar year 2022, at which time the Board would reevaluate and consider next steps. Attached to this memo is a resolution for the WMA Board to consider that would approve the P&A Committee recommendation.

### **DISCUSSION**

Staff provided a detailed discussion of the recommendation approved by the P&A Committee in a memo to the Committee for its March 10, 2022, meeting. Please see the memo and resolution approved by the Committee attached. Also attached is a resolution for the WMA Board to review and consider.

Finally, as was discussed with the P&A Committee, staff encourages the Board to attend the May 25, 2022, Board meeting in person, which is the date the Board will consider Agency budget adoption, and also attend in person the last meeting of the calendar year in December to review 2022 accomplishments and prepare for the new year.



## **RECOMMENDATION**

The Programs and Administration Committee recommends that the WMA Board adopt Resolution #WMA 2022-04 to remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings, and that this amendment to the Rules of Procedure be approved on an interim basis, until the end of calendar year 2022.

Attachment 1: #WMA Resolution 2022-04

Attachment 2: March 10, 2022, Memo to the P&A Committee

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY BOARD

RESOLUTION #WMA 2022-04

MOVED:  
SECONDED:

AT THE MEETING HELD MARCH 23, 2022

INTERIM AMENDMENTS TO THE RULES OF PROCEDURE REGARDING TELECONFERENCING

**WHEREAS**, the Alameda County Waste Management Authority Rules of Procedure allow no more than four WMA Board members to utilize teleconferencing at a Board meeting at no more than four teleconferencing locations, and

**WHEREAS**, the WMA Board Rules of Procedure allow no more than two members of the Programs & Administration Committee to utilize teleconferencing at a Committee meeting at no more than two teleconference locations, and

**WHEREAS**, these limitations were suspended during the COVID-19 public health emergency to allow all Board members to participate via teleconference to protect public health and safety and will take effect at such time as the Board and Programs & Administration Committee resume in person meetings, and

**WHEREAS**, the Brown Act sets strict rules for teleconferencing, designed to enable members of the public to access and participate in meetings of legislative bodies at teleconference locations, and

**WHEREAS**, having corresponded with several other public agencies that operate in Alameda County and the Bay Area, staff has found that it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of Board members who may participate by teleconference, and

**WHEREAS**, the Programs & Administration Committee has recommended to the WMA Board amendments to the Rules of Procedure that would remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings for an interim period, until the end of calendar year 2022, and the Recycling Board/Programs Committee has made a comparable change to its rules of procedure.

**NOW THEREFORE, BE IT RESOLVED**, that beginning at such time as the Board and Programs & Administration Committee resume in person meetings and until December 31, 2022:

1. The following sentences in section 3-8 of the Rules of Procedure (concerning teleconferencing at WMA Board meeting) shall not apply:

“No more than four WMA Board members may utilize teleconferencing at a WMA Board meeting at no more than four teleconferencing locations.”

“If more than four members request teleconferencing, the four selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the WMA Board.”

2. The following sentences in section 5-13 of the Rules of Procedure (concerning teleconferencing at Programs and Administration Committee meetings) shall not apply:

“No more than two Committee members may utilize teleconferencing per Committee meeting at no more than two teleconferencing locations.”

“If more than two members request teleconferencing, the two selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the WMA Board.”

**Passed and adopted this 23<sup>rd</sup> day of March 2022 by the following vote::**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

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**Arliss Dunn, Clerk of the Board**



**DATE:** March 10, 2022

**TO:** Programs and Administration Committee

**FROM:** Timothy Burroughs, Executive Director

**SUBJECT:** Rules of Procedure for Teleconferencing at Waste Management Authority and Committee Meetings

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## SUMMARY

The Waste Management Authority Rules of Procedure, which are approved and can be revised by the Board, state that no more than four Board members may utilize teleconferencing for a WMA Board meeting at no more than four teleconferencing locations. The Rules of Procedure also state that for the Programs and Administration (P&A) Committee, no more than two Committee members may utilize teleconferencing at a given Committee meeting, at no more than two teleconferencing locations. The purpose of this memo is for the P&A Committee to consider recommending to the WMA Board interim amendments to the Rules of Procedure, consistent with the Brown Act, to remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings. The interim amendments would be in place until the end of calendar year 2022, at which time the Board would reevaluate and consider next steps.

## DISCUSSION

In order to promote public health and safety, the WMA Board and P&A Committee have met exclusively by teleconference since the onset of the COVID-19 pandemic in March 2020. Initially, it was an Executive Order issued by the Governor that streamlined legislative body teleconferencing by suspending certain Brown Act rules, including the requirements that all teleconference locations be made available for the public, that each teleconference location be identified on the agenda, and that the agenda be posted at each teleconference location. Then, on September 16, 2021, the Governor signed AB 361 into law, which amends the Brown Act to allow local legislative bodies to continue to meet by teleconference as they did under the Executive Order subject to various procedural safeguards that have consistently been a part of the WMA Board's practice. The "streamlined" teleconferencing pursuant to AB 361 is allowed only when the Governor has declared a state of emergency and the legislative body confirms every 30 days that state or local health officials have imposed or recommended measures to promote social distancing. The law remains in effect until January 1, 2024.

At such time as the streamlined procedures are no longer in place, the Board's standard Rules of Procedure will take effect. If the Board makes interim amendments to the Rules of Procedure regarding teleconferencing, then those changes would become effective at that time instead.

Staff is recommending that the P&A Committee and ultimately the WMA Board consider removing the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings. Current limits on the number of Board members who may teleconference are in Sections 3-8 and 5-13 of the WMA Board Rules of Procedure (Attachment 1).

Staff recommends that the Board make this amendment on an interim basis, until the end of calendar year 2022, at which time the Board would reevaluate the interim rules and decide on next steps.

Having corresponded with several other public agencies that operate in Alameda County and the Bay Area, staff has found that it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of Board members who may participate by teleconference. Public agencies throughout the region are in the process of setting up "hybrid" meeting procedures, meaning that members of the legislative body, agency staff, and members of the public may participate in Board meetings either in person or via teleconference. The StopWaste Board room is equipped for hybrid meetings.

If the Board chooses to adopt interim amendments to the rules of procedure, then staff will provide specific instructions for Board and Committee members to ensure that Brown Act rules are followed. Specifically, the Brown Act requires the following once the streamlined procedures of AB 361 are no longer in effect:

- At least a quorum of the legislative body must participate from locations within the local agency's jurisdiction (i.e., Alameda County);
- Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable;
- Agendas must be posted at each teleconference location, even if a hotel room or a residence;
- Each teleconference location, including a hotel room or residence, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate;
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location; and
- All votes must be by roll call.

Importantly, once a teleconference location is noticed to the public, Board members must ensure that someone is at the location at the time of the meeting to provide public access to the space and to provide the public the ability to make comments. Also, Board members must provide the Clerk of the Board with their meeting location details at least one week prior to the Board meeting to ensure that the Agency meets required noticing deadlines.

Finally, staff encourages the Board to attend the May 25, 2022, Board meeting in person, which is the date the Board will consider Agency budget adoption, and also attend in person the last meeting of the calendar year in December to review 2022 accomplishments and prepare for the new year.

**RECOMMENDATION**

Adopt Resolution #PA 2022-04 to recommend that the WMA Board remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings, and that this amendment to the Rules of Procedure be approved on an interim basis, until the end of calendar year 2022.

Attachment 1: Current Alameda County Waste Management Authority Board Rules of Procedure

**PROGRAMS & ADMINISTRATION COMMITTEE**

**RESOLUTION #PA 2022-04**

**MOVED:  
SECONDED:**

**AT THE MEETING HELD MARCH 10, 2022**

**INTERIM AMENDMENTS TO THE RULES OF PROCEDURE REGARDING TELECONFERENCING**

**WHEREAS**, the Alameda County Waste Management Authority Rules of Procedure allow no more than four WMA Board members to utilize teleconferencing at a Board meeting at no more than four teleconferencing locations, and

**WHEREAS**, the WMA Board Rules of Procedure allow no more than two members of the Programs & Administration Committee to utilize teleconferencing at a Committee meeting at no more than two teleconference locations, and

**WHEREAS**, these limitations were suspended during the COVID-19 public health emergency to allow all Board members to participate via teleconference to protect public health and safety and will take effect at such time as the Board and Programs & Administration Committee resume in person meetings, and

**WHEREAS**, the Brown Act sets strict rules for teleconferencing, designed to enable members of the public to access and participate in meetings of legislative bodies at teleconference locations, and

**WHEREAS**, having corresponded with several other public agencies that operate in Alameda County and the Bay Area, staff has found that it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of board members who may participate by teleconference, and

**WHEREAS**, staff is recommending that the Programs & Administration Committee consider recommending to the WMA Board amendments to the Rules of Procedure, removing the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings for an interim period, until the end of calendar year 2022,

**NOW THEREFORE, BE IT RESOLVED**, that the Programs & Administration Committee recommends that the WMA Board remove the limit on the number of Board members who may utilize teleconferencing for Board and Committee meetings, and that this amendment to the Rules of Procedure be approved on an interim basis, until the end of calendar year 2022.

**Passed and adopted this 10<sup>th</sup> day of March 2022 by the following vote::**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

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**Arliss Dunn, Clerk of the Board**

## ATTACHMENT 1

Alameda County Waste Management Authority  
Rules of Procedure  
Page 1

### ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

#### WASTE MANAGEMENT AUTHORITY BOARD

##### RULES OF PROCEDURE

REVISED October 25, 2017

##### Article 1

##### General Provisions

- Section 1-1      Name of Board The name of the Board is the Alameda County Waste Management Authority Board (hereinafter referenced as “WMA Board”).
- Section 1-2      Authority for Rules These rules apply to the WMA Board (including Committees of the WMA Board) and are adopted pursuant to the Joint Exercise of Powers Agreement for Waste Management dated February 13, 1990, as it may be amended from time to time. The provisions of said agreement are herein incorporated by reference.
- Section 1-3      Purpose of Rules The purpose of these rules is to provide for the orderly and fair conduct of the meetings of the WMA Board.

##### Article 2

##### Organization of WMA Board

- Section 2-1      Composition of WMA Board The WMA Board is composed of seventeen (17) members and seventeen (17) alternates appointed pursuant to the agreement creating the Alameda County Waste Management Authority (hereinafter referenced as “WMA”).
- Section 2-2      Officers The Officers of the WMA Board shall be a President, First Vice-President and Second Vice-President, who shall serve until the elections of their successors in accordance with Section 2-3.
- Section 2-3      Election of Officers The Officers shall be elected at the regular meeting of the WMA in the month of June of each year. They shall be elected by a majority of the total authorized vote of the WMA Board and shall serve from July 1 through June 30 of the following year. No member may serve more than one term in the same leadership position on the WMA Board within a two-year time frame. This does not limit a person who has served in one office for a year serving in a



different office the following year (e.g., the First Vice President in one year serving as the President the next year).

- Section 2-4      Executive Director The WMA Board shall appoint an Executive Director of the WMA who shall be responsible for, among other duties, administration of WMA programs.
- Section 2-5      Duties of President The President shall preside at all meetings of the WMA Board and shall conduct the business of the WMA Board in the manner prescribed by these Rules. The President shall preserve order and decorum and shall decide all questions of order subject to the action of a majority of the WMA Board.
- Section 2-6      Duties of the First and Second Vice-President In the absence or inability of the President to act, the Vice Presidents shall perform the duties of the President in the order of the succession.
- Section 2-7      Duties of Executive Director In addition to the duties set forth in the Joint Exercise of Powers Agreement, the Executive Director shall perform the following duties:
- (a) Prepare an agenda for each meeting of the WMA Board;
  - (b) Attend each meeting of the WMA Board;
  - (c) Appoint a Clerk of the Board to:
    - (i) Notify all WMA Board members of the time and place of each meeting;
    - (ii) Maintain a record of all proceedings of the WMA Board;
    - (iii) Maintain all records of the WMA ;
    - (iv) Maintain records of the proceedings of the WMA Board and its committees ; and
    - (v) Attest to the WMA Board's approval of ordinances, resolutions, and other expressions of WMA Board policy.
  - (d) Perform other duties directed by law, the Officers, or the WMA Board. These duties may be delegated as determined necessary by the Executive Director.

Article 3  
Meetings of WMA Board

- Section 3-1      Regular Meetings Regular monthly meetings will be held at 3:00 p.m. on the fourth Wednesday of the month, except for the months of November and December when the meetings will be held at 3:00 p.m. on the third Wednesday of the month.
- Section 3-1.1      Cancellation and/or Reschedule of Regular Meetings Any regular meeting of the WMA Board may be canceled or rescheduled by the President, or the Executive Director on the direction of the President, no less than seven (7) calendar days prior to the scheduled date of such meeting. Notification of cancellation or reschedule shall be mailed to all parties who are notified of regular meetings of the WMA Board.
- Section 3-2      Special Meetings Special meetings of the WMA Board may be called by order of the President or by a majority of the members. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.
- Section 3-3      Adjourned Meetings Any regular meeting of the WMA Board may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular meeting. Any special meeting may be adjourned, and any adjourned special meeting is part of the special meeting.
- Section 3-4      Effect of Holiday If any meeting day or adjourned meeting day falls on a holiday, the meeting of the WMA Board shall be specially scheduled by the WMA Board.
- Section 3-5      Quorum A majority of the members of the WMA Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time pursuant to Section 3-6 of these Rules.
- Section 3-6      Absence of Quorum In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.

Section 3-7      Notice of Meetings All meetings of the WMA Board shall be held subject to the provisions of the Ralph M. Brown Act (see Sections 54950 et. seq. of the California Government Code) and other applicable laws of the State of California requiring notice of meetings of the WMA Board.

Section 3-8      Teleconferencing WMA Board members who are unable to attend a meeting in person are encouraged to have their member agency's alternate attend in their place. WMA Board members unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section. No more than four WMA Board members may utilize teleconferencing at a WMA Board meeting at no more than four teleconferencing locations. A WMA Board member wishing to utilize teleconferencing should notify the Clerk of the Board prior to the release of the agenda for the affected WMA Board meeting of the teleconference location that is accessible to the public. Agendas are typically released five (5) days in advance of the meeting. The Clerk of the Board will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a WMA Board meeting where teleconferencing is utilized will be taken by roll call. If more than four members request teleconferencing, the four selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the WMA Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.

Section 3-9      Compensation WMA Board members and alternates are compensated in accordance with compensation policies approved by the WMA Board. WMA Board members must attend a WMA Board meeting to be compensated for that meeting. An agency appointed alternate may be compensated only if WMA member from that agency is not present at the meeting.

Article 4  
Conduct of Meetings

- Section 4-1      Order of Business The business of each meeting of the WMA Board shall be transacted as far as is practicable in the following order:
- (a) Call to order;
  - (b) Roll call of attendance;
  - (c) Announcements by President;
  - (d) Open public discussion from the floor;
  - (e) Approval of minutes of prior meetings (may be included in the consent calendar);
  - (f) Consent calendar;
  - (g) Regular calendar;
  - (h) Member comments and communications from the Executive Director; and
  - (i) Adjournment.

The above order of business may be suspended or changed at any time upon order of the President. The consent calendar may contain those matters the nature of which have been determined by the Executive Director to be routine, and items that have been recommended by a Committee for WMA Board approval, and will be approved by a single action. Any item shall be removed from the consent calendar and placed for discussion on the regular calendar at the request of any member. WMA Board members who were not in attendance at a meeting but have read the minutes of the meeting may vote in connection with approval of those minutes. The regular calendar shall contain all other matters and business.

Open public discussion from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the WMA, but not listed on the agenda. Each speaker is limited to three minutes unless a shorter period of time is set by the President.

- Section 4-2      Parliamentary Rules The rules and procedures set forth in Rosenberg's Rules of Order (Exhibit 1) are hereby adopted for the government of the WMA Board in all cases not otherwise provided for in these rules.

- Section 4-3      Vote Required A two-thirds majority of the total authorized vote shall be required for expenditures of \$500,000 or more. Except as

provided by the Joint Powers Agreement (specifically amendments to the JPA and approval of a new member to the JPA which also require a two-thirds majority of the authorized vote), a majority of the authorized vote shall be required for all other actions.  
An abstention to vote by any member shall be construed as that member not voting on a particular matter.

- Section 4-3.1      Alternate's Vote An agency alternate may vote on any matter under consideration only in the absence of the agency member from the meeting or as provided under Section 4-6 of these rules.
- Section 4-4      Roll Call Votes Roll call votes shall proceed in the following manner:  
(i) The presiding officer will direct the Clerk of the Board to report on the WMA Board members who have joined or left the meeting since the roll call of attendance at the beginning of the meeting;  
(ii) The presiding officer will ask for a voice vote on the matter;  
(iii) If there are no "nay" votes or abstentions, the presiding officer will direct that the matter be reported as passed unanimously with the names of all WMA Board members in attendance reported as voting in favor;  
(iv) If there are any "nay" votes or abstentions, the presiding officer will direct the Clerk of the Board to call the name of each agency and record the vote of the representative of the agency and then report the total number of "aye," "nay" and "abstain" votes.  
(v) The roll call shall be in alphabetical order of the name of the agency, except that the President shall be called last.
- Section 4-5      Roll Call Not Required The roll need not be called in voting upon a motion except when requested by a member or otherwise required by law. If the roll is not called, in the absence of objection, the President may order the motion unanimously approved.
- Section 4-6      Voting Ineligibility Any member attending a WMA Board meeting and ineligible to vote on any matter under consideration by the WMA Board at that meeting shall briefly describe the reason for being ineligible and then leave the WMA Board table before the matter is considered and refrain from participation in any action concerning the matter. If the member is ineligible due to a conflict of interest under the Political Reform Act, the member's disclosure shall include the information required by that Act and the member shall leave the room and not be counted towards a quorum. Notwithstanding the

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**DATE:** September 27, 2023

**TO:** Energy Council

**FROM:** Emily Alvarez, Program Manager

**SUBJECT:** BayREN Contract for 2024-2027 and Business Plan Update

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## SUMMARY

Since 2013, StopWaste has represented Alameda County jurisdictions in the Bay Area Regional Energy Network (BayREN) partnership, serving as the lead agency for implementing two of BayREN's programs and also supporting outreach for all BayREN programs locally. The current California Public Utilities Commission (CPUC) Business Plan approving BayREN's programs and associated budget concludes at the end of 2023. A new Business Plan covering program years 2024-2031, and establishing an initial budget to cover years 2024-2027, was approved by the CPUC on June 29, 2023 (Decision 23-06-055). To continue providing BayREN programs in Alameda County, staff requests that the Energy Council authorize the Executive Director to enter into a new contract with the Association of Bay Area Governments (ABAG) to accept up to \$38,410,603 over four calendar years.

## BACKGROUND

In 2012 the CPUC invited local governments to coordinate regionally to form "Regional Energy Networks" and submit proposals to implement energy efficiency programs. This solicitation opened a direct channel for local governments to design and offer energy programs independently of the Investor Owned Utilities. On December 5, 2019, the CPUC issued a Decision regarding the long-term status of Regional Energy Networks (RENs), removing them from pilot status and recognizing the value of RENs in helping to achieve the state's energy goals. The CPUC's decision clarifies the role of RENs and ensures ongoing support for BayREN's programs.

BayREN's current 10-year Business Plan included six programs: Single-Family, Green Labeling, Multifamily, Business, Water Upgrades \$ave, and Codes & Standards. BayREN programs must meet specific criteria, including serving hard-to-reach sectors and piloting activities that have the potential to scale while not duplicating activities of PG&E and Community Choice Aggregators that are funded with energy efficiency ratepayer dollars. Unlike other Program Administrators (PAs), RENs are not held to a specific cost-effectiveness threshold.

All PAs of CPUC energy efficiency ratepayer funds were required to file new 8-year Business Plans (divided into two 4-year budget cycles) in 2022. The Business Plans of all PAs were approved by CPUC Decision 23-06-055 on June 29, 2023. BayREN's Business Plan budget for the first 4-year cycle covering

calendar years 2024-2027 was approved up to \$157,085,114 to continue the six current programs, as well as launch four new programs: two new public sector programs, a commercial sector program focused on low-Global Warming Potential refrigerants, and a Workforce, Education & Training (WE&T) program.

## **DISCUSSION**

The BayREN Coordinating Circle (CC), comprised of ABAG and nine public agencies representing the Bay Area counties, elected Energy Council staff into leadership roles for the Multifamily and Green Labeling programs. Energy Council staff is also responsible for the local implementation, marketing, and outreach for the other eight BayREN programs. The BayREN CC approved the 2024-2027 budget allocations listed in Attachment A on September 15, 2023, and the ABAG Executive Board authorized its Executive Director (ED) to negotiate and enter into a contract with Energy Council for 2024-2027 BayREN services.

The BayREN Business Plan approved up to \$157,085,114 in budget for calendar years 2024-2027, of which \$38,410,603 would be subcontracted to Alameda County. Also new in the Business Plan is the introduction of a rolling portfolio budget. Previously, unspent funds at the end of the calendar year could only be used if requested by a specific process requiring approval or be rendered inaccessible. To provide flexibility, any unspent funds in a specific calendar year from 2024-2027 will be rolled over into the next year's budget. This is the reason for entering into a four-year contract with ABAG. However, to prevent the accumulation of unspent funds or to allocate more funding, as needed, there will be a true-up after the first two contract years.

Staff is recommending that in addition to authorizing the ED to enter into the contract, that the ED also be given the authority to approve budget amendments up to 2% (approximately \$768,000) of the contract total where the scope of work remains unchanged. This accommodates for potential fund shifts between ABAG and StopWaste to address fluctuations in demand among different BayREN incentive programs and is more proportional to the 4-year budget total than the current \$100,000 ED signing authority limit. The 2-year true up contract and any amendments that alter the scope of work would still be brought to the Energy Council for approval.

A brief description of each of the programs and Energy Council's accountabilities is listed in Attachment B. The largest portion of the budget is \$30,823,044 for the BayREN Multifamily program, which includes technical assistance and rebates for property owners throughout the entire 9-county region. BayREN's Green Labeling program, led by Energy Council staff, offers the Department of Energy's Home Energy Score in the Bay Area and provides professional education to real estate professionals. Under the new Business Plan, the CPUC approved Home Energy Score to become the first non-Investor-Owned Utility (IOU) program to run statewide. Home Energy Score California is expected to launch in 2026 and, like all statewide programs, will transition its implementation to a third party. This is a successful example of Energy Council piloting an innovative idea, beginning with the City of Berkeley's 2015 Building Emissions Savings Ordinance (BESO) that requires a Home Energy Score at the time of listing of a single-family home, then scaling to a voluntary regional program in the Bay Area, and eventually demonstrating the tool's viability and demand statewide.



The Energy Council Technical Advisory Group (TAG), made up of member agency staff, receives quarterly updates on the implementation of BayREN programs, provides input on priorities for regional programs and services, and assists staff in targeting local outreach activities throughout the County.

## **RECOMMENDATION**

Adopt the attached Resolution authorizing the Executive Director to enter into a four-year contract with ABAG, starting January 1, 2024, for BayREN services and other related actions and to approve budget amendments up to 2% (approximately \$768,000) of the contract total where the scope of work remains unchanged.

Attachment A: Budget Allocation for 2024-2027

Attachment B: Summary of Energy Council Scope of Work

**ENERGY COUNCIL  
RESOLUTION #EC 2023 –06**

**MOVED:  
SECONDED:**

**AT THE MEETING HELD SEPTEMBER 27, 2023**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A 2024-2027 CONTRACT FOR  
BAY AREA REGIONAL ENERGY NETWORK (BayREN) SERVICES AND OTHER RELATED ACTIONS**

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

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

**WHEREAS**, on December 5, 2019 the California Public Utilities Commission (CPUC) recognized the unique role of Regional Energy Networks in filling gaps in the Investor-Owned Utility programs and helping the state to achieves its Long Term Energy Efficiency Strategic Plan; and

**WHEREAS**, in its Decision 17-01-013, the CPUC approved a ten-year Business Plan for the Bay Area Regional Energy Network (BayREN) including an annualized budget of \$22,739,000 that concludes at the end of calendar year 2023; and

**WHEREAS**, in its Decision 23-06-055, the CPUC approved an eight-year Business Plan for BayREN including a four-year rolling portfolio budget of \$157,085,114 covering calendar years 2024-2027; and

**WHEREAS**, the Energy Council partners with the Association of Bay Area Governments (ABAG) and eight other county representatives to implement BayREN; and

**WHEREAS**, with ongoing input from the Energy Council Technical Advisory Group (TAG), the Energy Council represents Alameda County jurisdictions within BayREN; and

**WHEREAS**, the Energy Council has been designated as the lead regional implementer for the Multifamily and Green Labeling programs, and to conduct local outreach for other programs, and

**WHEREAS**, the ABAG Executive Board authorized a scope of work for Energy Council with a budget not to exceed \$38,410,603 for services related to BayREN as described in Attachments A and B;

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

1. Enter into all necessary agreements with ABAG in order to accept funds for the BayREN program in the amount of \$38,410,603 and make any necessary conforming changes to the Energy Council's FY 2023/24 budget for Project 1347: BayREN.
2. Approve any required time extensions, modifications, or amendments to budget allocations between subprograms and budget categories in the BayREN agreements that would not

increase the contracted amount by more than 2% where there is no change in the type of work to be performed.

3. Allocate the necessary resources to implement and carry out the scope of work.

BE IT FURTHER RESOLVED that the Executive Director as the Board President's designee, is hereby authorized to execute on behalf of the Energy Council all contract-related documents, including, but not limited to, applications, payment requests, agreements (including the hiring of temporary staff), and amendments necessary to secure contract funds and to implement the approved contract projects;

**ADOPTED this 27<sup>th</sup> day of September 2023, by the following votes:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of Resolution #EC 2023 – 06

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TIMOTHY BURROUGHS  
Executive Director

**Attachment A**  
**Budget Allocation for 2024-2027**

Subprogram	Budget Category	2024	2025	2026	2027
<b>Residential Sector</b>					
Single Family	Administration	1,420	1,459	1,499	1,538
	Implementation	73,982	75,001	76,021	77,040
	Marketing	153,666	157,676	161,686	165,696
	Total:	229,068	234,136	239,206	244,274
Green Labeling	Administration	120	123	127	131
	Implementation	698,250	719,048	740,469	766,502
	Marketing	96,483	89,786	91,280	93,259
	Incentives	600,000	650,000	650,000	650,000
	Total:	1,394,853	1,458,957	1,481,876	1,509,892
Multifamily	Administration	2,639	2,718	2,797	2,877
	Implementation	2,325,000	2,338,050	2,351,492	2,365,336
	Marketing	350,000	355,250	360,658	366,227
	Incentives	5,000,000	5,000,000	5,000,000	5,000,000
	Total:	7,677,639	7,696,018	7,714,947	7,734,440
<b>Commercial Sector</b>					
Business	Administration	422	435	448	460
	Implementation	0	0	0	0
	Marketing	12,000	12,360	12,720	13,080
	Total:	12,422	12,795	13,168	13,540
Refrigerant Management	Administration	0	0	0	0
	Implementation	0	0	0	0
	Marketing	10,000	10,300	10,600	10,900
	Total:	10,000	10,300	10,600	10,900
<b>Public Sector</b>					
Integrated Energy Services	Administration	211	218	134	138
	Implementation	1,176	1,212	749	769
	Marketing	6,666	6,865	4,240	4,360
	Total:	8,053	8,295	5,123	5,267
Targeted Decarbonization Services	Administration	211	218	201	207
	Implementation	1,372	1,413	1,309	1,347
	Marketing	7,777	8,010	7,419	7,628
	Total:	9,360	9,641	8,929	9,182
<b>Cross-Cutting</b>					
Water Upgrades \$ave	Administration	106	109	112	115
	Implementation	5,000	5,000	5,000	5,000
	Marketing	0	0	0	0
	Total:	5,106	5,109	5,112	5,115
	Administration	211	218	224	230

<b>Subprogram</b>	<b>Budget Category</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
Codes & Standards	Implementation	57,747	61,124	62,759	66,450
	Marketing	0	0	0	0
	Total:	57,958	61,342	62,983	66,680
Climate Careers	Administration	53	54	56	58
	Implementation	0	0	0	0
	Marketing	40,061	41,263	42,465	43,666
	Total:	40,114	41,317	42,521	43,724
Portfolio Administration	Total:	48,527	49,958	50,378	51,781
	<b>Contract Total:</b>	<b>\$9,493,099</b>	<b>\$9,587,867</b>	<b>\$9,634,843</b>	<b>\$9,694,794</b>

## **Attachment B**

### **Summary of Energy Council Scope of Work**

#### **Single Family – Local Outreach**

The Single Family program currently targets moderate income households and offers flexible incentives to homeowners for conducting upgrades over time. It continues to offer the Home Upgrade Advisor services. The Single-Family program is currently being redesigned to have a greater focus on serving equity communities. A new program design is expected to launch in the second half of 2024.

Energy Council will conduct local outreach in Alameda County for the Single-Family program, including the following activities:

- Serve as a liaison for local contractors and facilitate their participation
- Organize homeowner workshops and other outreach events
- Refer property owners to the regional Home Upgrade Advisor service
- Conduct direct mail campaigns
- Establish partnerships with community based organizations and East Bay Community Energy
- Coordinate with other energy programs operating in Alameda County

#### **Green Labeling – Regional Lead and Local Outreach**

The Green Labeling program enables market recognition of the value of a green home during real estate transactions. It offers the Department of Energy's Home Energy Score, assessment incentives, and real estate sector education. The Home Energy Score portion of the Green Labeling program will become a statewide program, implemented by a third-party beginning in 2026. Real estate engagement will continue under a Bay Area-specific program.

Energy Council will lead the regional Green Labeling program, and conduct the following activities:

- Promote and screen Home Energy Score incentives
- Recruit and mentor Home Energy Score assessors
- Provide quality assurance in compliance with Department of Energy requirements
- Provide continuing education opportunities for realtors, appraisers, and lenders to increase their ability to understand, market, and evaluate energy efficient homes
- Coordinate with local governments for promotional activities
- Maintain and develop relationships with local real estate stakeholders
- Build relationships and coordinate with the US Department of Energy, California Energy Commission, and other entities pursuing home labeling
- Convene BayREN members to participate in the Green Labeling committee
- Coordinate launch of statewide Home Energy Score California program in 2026

#### **Multifamily – Regional Lead and Local Outreach**

The Multifamily program offers rebates and no-cost energy consulting for multifamily properties that undertake energy and water upgrades. The program assists in planning energy savings improvements designed to save 10% or more of a building's energy usage and provides \$500-\$6,000+/unit. Increased incentives are available to project scopes that include electrification measures and properties that fall into geographic zones disproportionately affected by heat, air quality, and/or housing burden.

Energy Council will lead the Regional BayREN Multifamily program and conduct the following activities:

- Ensure that total unit goals and energy savings metrics are met or exceeded

- Oversee technical consultants and partners responsible for implementation
- Verify and approve eligible scopes of work and process rebates for property owners
- Review program performance and develop program enhancements or modifications
- Monitor regulatory activities that impact program and represent Program in relevant stakeholder groups, committees and advisory groups
- Process property owner rebates
- Coordinate with other multifamily programs in the region
- Coordinate reporting and Evaluation, Measurement & Verification (EM&V) activities
- Convene BayREN members to participate in the multifamily committee
- Conduct regional marketing activities and coordinate local outreach activities

### **Business - Local Outreach**

The Business program is a pay-for-performance program. Contractors install energy efficiency measures in small, medium, and hard-to-reach businesses and are paid based on the actual energy savings as measures at the business' utility meter.

Energy Council will conduct local outreach for the program, including the following activities:

- Promote program among member agencies and local businesses eligible for the program
- Conduct outreach to potential contractors to participate in the program
- Coordinate with other local programs serving the Commercial sector, including those from East Bay Community Energy

### **Refrigerant Management - Local Outreach**

The Refrigerant Management program is a new commercial sector program approved in the 2024-2031 Business Plan. The program's main focus is to serve and provide rebates for small-medium businesses in the food service sector to replace inefficient appliances that have high global warming potential (GWP) refrigerants with low or zero GWP options.

It is anticipated that Energy Council will conduct local outreach for the program similar to the outreach conducted under the Business program, including the following activities:

- Promote program among member agencies and local businesses eligible for the program
- Conduct outreach to potential contractors to participate in the program
- Coordinate with other local programs serving the Commercial sector, including those from East Bay Community Energy and those from StopWaste that target food service businesses

### **Integrated Energy Services - Local Outreach**

The Integrated Energy Services program is a new public sector program approved in the 2024-2031 Business Plan. The program will provide an energy concierge service to assist local government staff with identifying the best technical assistance, financing, and incentive options for public facilities projects. It will also provide technical and engineering assistance to develop roadmaps for improving public facilities to meet energy goals, as well as energy assessments for designated and potential Community Resilience Centers, and technical assistance for energy improvements.

It is anticipated that Energy Council will conduct local outreach for the program, which may include the following activities:

- Promote program among member agencies
- Coordinate and partner with local jurisdictions and other local programs, including public-facing programs run by East Bay Community Energy

## **Targeted Decarbonization Services - Local Outreach**

The Targeted Decarbonization Services program is a new public sector program approved in the 2024-2031 Business Plan. The program will provide technical and financial support for selected public facilities projects looking to decarbonize. Anticipated program offerings include a showcase of projects, education, and exploration of funding opportunities.

It is anticipated that Energy Council will conduct local outreach for the program, which may include the following activities:

- Promote program among member agencies
- Coordinate and partner with local jurisdictions and other local programs, including public-facing programs run by East Bay Community Energy

## **Water Upgrades \$ave - Local Outreach**

The Water Upgrades \$ave program is a unique on-bill program that allows municipal water utility customers to pay for efficiency improvements through a monthly charge attached to their meter with no up-front costs and the assurance that their utility bill savings will exceed the program charge.

Energy Council will conduct local outreach for the PAYS financing pilot, including the following:

- Serve as a local contact for water utilities in the County for questions about BayREN
- Provide support to the regional lead and promote the program to local stakeholders

## **Codes & Standards – Local Outreach**

The Codes and Standards program promotes an integrated, measurement-driven management process for enhancing energy code compliance. Its goals include increasing compliance rates with the Energy Code and Green Building standards, developing trainings for Bay Area building professionals, and promoting “reach codes” for local jurisdictions.

Energy Council will conduct local outreach for the Codes and Standards program, including the following activities:

- Conduct outreach to building departments and promote participation in BayREN activities
- Assist in prioritization and development of new BayREN trainings based on local needs
- Support Alameda County jurisdiction in adopting a reach code or energy policy
- Provide input on content of regional forums and promote participation to local governments
- Host and organize one regional Codes and Standards forum
- Serve as liaison to East Bay ICC chapter

## **Climate Careers – Local Outreach**

The Climate Careers program is a new workforce, education & training sector program approved in the 2024-2031 Business Plan. This program will incorporate the Green House Calls, previously an activity under the Single Family program, that offers free, personalized, and brand new equipment like LED light bulbs and high-efficiency showerheads to homeowners and renters. The Climate Careers program will also offer a path to full-time employment in the green economy to low-income and disadvantaged youth through training and job opportunities.

It is anticipated that Energy Council will conduct local outreach for the program, which may include the following activities:

- Conduct outreach to community colleges to partner on job training opportunities



- Outreach to high school youth who may be eligible to participate in the program, including coordination with the StopWaste Schools team
- Build connections with union and contractors who may be able to provide employment opportunities to program participants
- Promote program and coordinate outreach with member agencies, including advertising the Green House Calls to residents

### **Administration**

Energy Council will perform administrative tasks to support the overall implementation of BayREN and its programs, including the following activities:

- Managing the county's BayREN contract, budget and relationships with elected and appointed officials
- Participating in the Coordinating Circle, which is the decision-making body for BayREN
- Representing Alameda County jurisdictions and their interests within BayREN
- Communicating with Alameda County stakeholders about BayREN programs and activities
- Coordinating with East Bay Clean Energy, other Alameda County programs and initiatives
- Preparing and submitting monthly invoices in a timely manner
- Participating in BayREN-wide committees, retreats, and other activities

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**October 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	5	6	7
8	9 AGENCY HOLIDAY	10	11	12  <b>9:00 A.M. Programs &amp; Administration Committee</b> <b>Key Items:</b> 1. Waste characterization study update <hr/> <b>4:00 P.M. Planning Committee &amp; Recycling Board</b> <b>Key Items:</b> 1. Waste characterization study update 2. Municipal panel	13	14
15	16	17	18	19	20	21
22	23	24	25  <b>3:00 P.M. Waste Management Authority &amp; Energy Council</b> <b>Key Items:</b> 1. Jess Ranch ColWMP Amendment 2. HHW fee input	26	27	28
29	30	31				

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**Energy Council**  
**TECHNICAL ADVISORY GROUP (TAG)**  
Tuesday, August 22, 2023 – 2:00 pm to 3:00 pm

**Attendance (all via phone):**

County of Alameda: Ali Abbors

City of Alameda: Danielle Mieler

City of Albany: Lizzie Carrade, Michelle Plouse

City of Berkeley: Rebecca Milliken, Katie Van Dyke

City of Emeryville: Matt Anderson

City of Fremont: Rachel DiFranco, Kranti Kapur, Candice Rankin

City of Hayward: Erik Pearson, Nicole Grucky

City of Oakland: Jeffrey Wong, Nick Kordesch

City of Pleasanton: ZeeLaura Page

City of San Leandro: Hoi-Fei Mok, Miguel Jimenez

EBCE: Cait Cady

StopWaste: Jennifer West, Chris Hunter, Ben Cooper, Emily Alvarez, Robin Plutchok

Guests: Cara Bautista-Rao, SF Department of Environment

**Welcome and Intros**

**Ask TAG**

- What are you planning on using your Energy Efficiency Community Block Grants (EECBG) funds for?  
Note: vouchers can only be used for purchasing equipment or technical assistance, and cannot be used for third parties
  - Most jurisdictions that responded are pursuing the “voucher” route for EV chargers, EV Roadmap, lighting upgrades for sports fields, municipal building upgrades (HVAC, windows)
  - The City of Albany was too small for the allocation of funding and applied for a competitive grant to further their ongoing targeted gas decommissioning pilot project
    - They want to investigate how to overcome PG&E’s “obligation to serve” requirement for any customer wanting gas, looking to find a group of residents on a particular block for 100% buy-in to go all electric
    - After using this grant funding, they would need to find more funds for the implementation of the electrification project
  - The City of Oakland is pursuing grant funding for a solar and battery installation at Mosswood recreation center, which would build on a municipal building inventory done by Fellows

**BayREN Commercial Program Updates** – Cara Bautista-Rao, SF Department of Environment, BayREN Commercial Lead

- BayREN Business Program (current program)
  - Contractor-driven program designed to install energy efficiency measures at small, hard-to-reach (HTR businesses)
    - Contractors are referred to as “Aggregators” as they aggregate projects
    - Can install any energy measure that saves energy at the meter
    - Responsible for recruiting small businesses to participate
  - BayREN provides incentives and supplemental marketing support
    - We are starting with high incentives and reducing them to become more cost-effective
  - Pay for performance (P4P) approach

- BayREN tracks building performance and measures actual energy savings at the meter for the next 12 months
  - Aggregators are only paid if the project saves energy, which ensures ratepayer funds are spent on projects that realize savings
- Contractors sign an agreement with Recurve (implementer), then submit the project for review, and after the team reviews they issue a reservation letter
  - The aggregator installs project & receives 20% up front & the rest based on savings
- Only serving “hard to reach” businesses - small and micro scale, max energy use limitations
  - HTR defined by PUC: based on location in a disadvantaged community, primary language, business size (employees or energy use), and leased space
  - Much receive energy from PG&E or CCA
  - Not eligible: solar/batteries (difficult to track savings), agriculture, industrial, home office, multifamily, government, standalone parking, etc.
- BayREN coordinates and provides referrals to EBCE and PG&E, provide double-dip check
- Currently 9 aggregators have signed up, all serve Alameda County, 15 applications in Alameda County, all are in Oakland
  - Types of businesses: auto repair, restaurants, beauty, etc., many lighting measures, but are starting to get refrigeration/motors
- Marketing materials are coming soon. All projects have been found by aggregators with no direct marketing to businesses
  - Adding an interest form to the BayREN website, and a handout for local businesses, which will be translated
- BayREN BRRR Program (new refrigerant reduction program)
  - Newly approved by PUC, launching spring 2024
  - Focus is on replacing high global warming potential (GWP) refrigerants and optimizing systems to be more efficient and save energy
  - CARB has requirements for systems with more than 50 lbs of high GWP refrigerants to report and repair leaks, but smaller systems are not covered
  - SFE did pilot from 2016-2020 called “Keep it Tuned”
    - Lessons learned: work with reliable contractors, offer strong incentives, offer materials in multiple languages, replacing equipment/refrigerants saves energy/money, needs to be easy, maintenance of equipment is key
  - Targeted small-medium businesses in the food service sector - food banks, restaurants, grocery stores, etc.
  - First focus will be on contractor recruitment for those who specialize in refrigeration
  - Potential to coordinate with SB 1383 and other regulation outreach focused at food service businesses
- Alameda County BayREN Commercial programs point person: Ben Cooper

#### **SGIP and HPWH Program Update – Jennifer West, StopWaste**

- Statewide TECH program reintroducing HPWH incentives in fall 2023
  - New requirements include thermostatic mixing valves and demand response program enrollment
  - BayREN HPWH Home+ rebate was reduced, but the TECH rebate is increasing and rebates can be stacked

- Multifamily TECH incentives for HPWHs launch on 9/6 for reservations

## **Announcements**

- Monthly [Topic Brief](#) on Alameda County Recycling Markets Network
- Next BayREN Codes & Standards forum on September 20, title is “Keeping the Lights on in an All-Electric Future”, will explore options for resiliency coupled with electrification. Registration is [here](#).
- Climate Pollution Reduction Grant update: BAAQMD staff is honing in on building electrification (with multiple components) and TBD transportation measures in consultation with MTC
  - Program design groups will meet in Oct/Nov & In-person listening sessions on PCAP measures will happen in Sept/Oct
- Embodied carbon measures in CALGreen adopted in mid-cycle code update in early August 2023
- AIA California is hosting a roundtable about getting all-electric codes into CALGreen’s tiers

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**Energy Council**  
**TECHNICAL ADVISORY GROUP (TAG)**  
Tuesday, September 19, 2023 – 1:00 pm to 2:00 pm

**Attendance (all via phone):**

County of Alameda: Ali Abbors, Emily Sadigh

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

City of Berkeley: Rebecca Milliken, Billi Romain, Annika Lackner (Fellow)

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

City of Fremont: Rachel DiFranco, Kranti Kapur

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

City of Oakland: Jeffrey Wong, Nick Kordesch

City of Piedmont: Alyssa Dykman, Alyssa Romea (Fellow)

City of Pleasanton: ZeeLaura Page

City of San Leandro: Hoi-Fei Mok

EBCE: Cait Cady, Alison Lopez, Helen Mejia

StopWaste: Jennifer West, Chris Hunter, Emily Alvarez, Robin Plutchok, Miya Kitahara, Maria Hart

Guests: Chiara Arellano and Abbie Kubota, Rising Sun Center for Opportunity; Nik Wekworth, Citizens Climate Lobby

**Welcome and Intros**

- Welcome to new Fellows!
  - Chris Hunter, StopWaste will reach out about BayREN 101 presentation for Fellows
  - Alyssa Dykman will be leaving Piedmont and going to AECOM for a new position
- October TAG meeting will be 2 hours in person at StopWaste

**High Road Training Partnership (H RTP) – Chiara Arellano, Rising Sun**

- Definition of “High Road”: a set of economic and workforce development strategies to achieve economic growth, economic equity, shared prosperity and a clean environment
- The H RTP seeks to increase job quality and equitable access for all workers in the residential decarbonization market, starting in the Bay Area
- H RTP began in the Spring of 2021 anticipating public investment for residential decarbonization. This effort is to make sure that the quality of jobs in this sector are uplifted and to avoid tragic tradeoffs.
  - State and Federal funding: IRA, Equitable Decarbonization Program, etc.
  - Lessons learned from past programs can be applied now to ensure demand for quality jobs
- The scope includes electrification and energy efficiency measures, retrofitting existing residential buildings of 4 units or less within the nine county Bay Area
  - New construction, multifamily, and commercial sectors already have more high-road and union jobs due to their larger scale projects
- The Guiding Principles include:
  - Dialogue with union partners and non-union residential contractors to understand market dynamics, opportunities, and barriers, and then to design and implement high road solutions
  - Commitment to build capacity and increase access to the high road residential decarbonization market for small, BIPOC, and women-owned residential contractors
  - Commitment to increasing equitable access to quality training and high road employment for BIPOC, women, and other disadvantaged job seekers and workers

- Raise the floor of the industry by advocating for high road labor standards in publicly-funded residential decarb programs, and to help employers meet those standards
- Increase the participation of high road, union contractors in the residential decarbonization retrofit market
- H RTP provides two Partner tiers to participate
- Berkeley is participating in the partnership with a focus on access to capital for small contractors to be able to support high-road pathways
- Oakland, StopWaste, EBCE and BayREN also participate

#### **Electrification Fair Support – Nik Wekworth, Citizens Climate Lobby**

- Hosted Electrification Fair in Berkeley in April 2023 with presentations by experts and tabling with resources and organizations for about 150 attendees
  - Talks included home electrification introduction, overview of BayREN rebates, and pathways to electrification for homes
  - Future improvement: Very few people of color attended, and attendees were mostly mid/high income. In the future they want to encourage more diversity of attendees, however we are still in the early stages of adoption and need to be sensitive to the cost of these measures
- Want to do more fairs in other locations
  - Would need help with the venue and conducting outreach from jurisdictions
  - CCL organizes the event, and finds speakers, etc.
  - Ideally they need about 3-4 months lead time
  - CCL would like to create a template to make it easy for local govts to replicate this effort without CCL
  - Can add the fair onto other city events, and supports smaller cities to collaborate on one fair

#### **Announcements**

- Energy Council Board update: Sept 27 meeting will have the BayREN contract
- CEC webpage to share for resources: [Building and Home Energy Resource Hub \(ca.gov\)](https://www.energy.ca.gov/resources/building-and-home-energy-resource-hub)
- 25 Mayors wrote a letter to the Gov asking for statewide codes for electrification (in light of Berkeley's litigation)
- NOx Rules at BAAQMD - StopWaste/BayREN presented 8/30/23 to the Implementation Working Group