

APPROVED

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

Wednesday, November 19, 2014

3:00 p.m.

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

I. CALL TO ORDER

President West, WMA, called the meeting to order at 3:05 p.m.

II. ROLL CALL

WMA & EC

| | |
|---------------------------------|--------------------------------|
| City of Alameda | Lena Tam |
| City of Albany | Peter Maass |
| City of Berkeley | Gordon Wozniak |
| Castro Valley Sanitary District | Dave Sadoff |
| City of Dublin | Don Biddle |
| City of Emeryville | Jennifer West |
| City of Hayward | Greg Jones |
| City of Livermore | Laureen Turner |
| City of Newark | Luis Freitas |
| City of Oakland | Dan Kalb (arrive 3:10 p.m.) |
| City of Piedmont | Tim Rood |
| City of Pleasanton | Jerry Pentin |
| City of San Leandro | Pauline Cutter |
| City of Union City | Lorin Ellis (arrive 3:30 p.m.) |

Absent:

| | |
|----------------------------|----------------|
| County of Alameda | Keith Carson |
| City of Fremont | Anu Natarajan |
| Oro Loma Sanitary District | Laython Landis |

Staff Participating:

Gary Wolff, Executive Director
Debra Kaufman, Senior Program Manager
Karen Kho, Senior Program Manager
Richard Taylor, Counsel, Authority Board
Arliss Dunn, Clerk of the Board

III. ANNOUNCEMENTS BY THE PRESIDENTS

Mr. Wolff announced a few agenda planning items. The December WMA and Programs and Administration meetings will be canceled. The December 11th Recycling Board meeting will be held as scheduled. The January 2015 Programs and Administration Committee and Recycling Board meetings will be canceled in lieu of a joint meeting of the WMA/EC and Recycling Board on January 28, 2015. Build it Green will be hosting its annual Big Bash on December 3, 2014 at Preservation Park. As a sponsor of the event, StopWaste has free tickets available

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for any Board member that would like to attend. Agenda Item #7 will not only include Board member acknowledgements but a short visual presentation as well.

IV. CONSENT CALENDAR (WMA, EC)

1. **Approval of the Draft Minutes of October 22, 2014 (WMA & EC-Separate Votes) (Gary Wolff & Wendy Sommer)** **Action**
2. **Minutes of the October 21, 2014 Technical Advisory Group (TAG) (EC only) (Gary Wolff & Wendy Sommer)** **Information**
3. **Grants Under \$50,000 (WMA only) (Gary Wolff & Wendy Sommer)** **Information**

Board member Sadoff made the motion to approve the Consent Calendar for the WMA Board. Board member Turner seconded and the motion carried 11--0-1 (Carson, Ellis, Kalb, Landis, and Natarajan absent) (Tam abstained).

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

V. OPEN PUBLIC DISCUSSION (WMA & EC)

There was none.

VI. REGULAR CALENDAR (WMA & EC)

1. **Emergency Authorization Related to the "15 Mile Rule" (WMA only) (Gary Wolff)** **Action**
Adopt the Resolution attached.

Mr. Wolff provided an overview of the staff report. There are two corrections in the staff report, page 14 last bulleted item, date should state December 31, 2015, and page 17, last bulleted item, date should state December 31, 2015. The report is available here:

<http://www.stopwaste.org/sites/default/files/meeting/15%20mile%20rule%20memo.pdf>

Board member Tam stated that City staff questioned whether the temporary action is necessary. Tam inquired if the Canyonlands are considered agricultural land under State rule. Mr. Wolff stated the matter before the Board is unrelated to zoning of agricultural land. The matter before the Board is relevant to a policy in the COIWMP concerning hauling by garbage collection vehicles to landfills. Board member Tam stated City Staff stated that there is already existing language that the Air Resources Board has with respect to these vehicles and therefore no requirement to do something separately. Mr. Wolff stated that under the plan the Authority Board would need to determine if they agree with the Air Resources Board definition. Mr. Taylor stated that he has not researched the Air Resources Board language and cautions that he would not want the language so limited that it meets one clean air standard but limits the types of vehicles that the Authority would find acceptable. Mr. Taylor recommends revising Item #2 of the resolution to state, "Define clean air vehicles in accordance with regulations adopted by the California Air Resources Board or the Bay Area Air Quality Management District" and keeps the remainder of the sentence. Board member Turner recommended keeping the language as written in the staff report and not place limitations on the Executive Director's authority. Board member Sadoff agreed with Board member Turner and added he is unsure if Waste Management's current fleet of trucks is compliant and may create an adverse situation to the 280+ accounts within the Canyonlands. Board member Tam inquired about the definition of clean air vehicles. Mr. Wolff stated we don't have a definition and he is asking the Board to authorize him to temporarily make that determination with respect to the issue of conformance. Board member Rood agreed that we should keep the existing wording in the staff report as it provides the greatest flexibility. In reviewing the CARB website, there are requirements for diesel trucks and buses which apply to all vehicle classes depending on the model year and it doesn't appear that they are defining any clean air vehicles so much as setting standards for diesel vehicles that apply to all vehicles according to the model year. Board member Rood recommends not tying our definition to that definition.

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Board member Wozniak made the motion to approve the staff recommendation with the corrections to the dates noted above. Board member Pentin seconded and the motion carried 14-1 (Carson, Ellis, Landis and Natarajan absent) (Tam, voted no).

2. Legislative, Regulatory, and Policy Priorities for 2015-16 (WMA only) Action
(Gary Wolff, Wendy Sommer, Debra Kaufman & Wes Sullens)

Staff recommends that the Boards confirm the three legislative/regulatory priorities identified in the staff report for the upcoming legislative session.

Debra Kaufman provided an overview of the staff report. The report is available here:
<http://www.stopwaste.org/sites/default/files/leg%20priorities%20wma%202015.pdf>.

Board member Biddle inquired if the legislation on State reporting would impact revenues. Ms. Kaufman stated yes it can impact our revenues which is why it would be helpful to receive the most accurate information. Board member Kalb inquired if there is current legislation that requires new multi-family buildings to provide space for all types of collection. Ms. Kaufman stated the State requires new multi-family buildings provide adequate space for recycling but not for organics collection. Board member Kalb suggested that the Board draft a model sample ordinance for local jurisdictions, especially in light of Oakland's recent ordinance requiring organics collection for existing multi-family buildings starting in 2015. Board members West and Wozniak agreed that a model sample ordinance would be useful. Board member Ellis stated at minimum exploring guidelines and standards for new buildings would be useful but he does not support drafting a model sample ordinance at this point. Board member Pentin inquired if it is difficult for C&D to increase from 50-65%. Mr. Wolff stated there is a mixed reaction among contractors in different cities on whether or not this is achievable. Board member Biddle commented with respect to EPR legislation, that we are very far behind other Countries and it is very important with respect to our goals for recycling. Board member West concurred with Board member Biddle. Board member Kalb stated with respect to legislation, it would be very useful to reach out to other similar agencies that have a shared perspective. Mr. Wolff stated that have reached out to County, State and other agencies that have a shared interest, and will continue to do so.

Board member Cutter made the motion to approve the staff recommendation. Board member Sadoff seconded and the motion carried 16-0 (Carson, Natarajan, and Landis absent).

3. Prop 84 Drought Round Grant Acceptance - Resolution (WMA only) Action
(Gary Wolff, Wendy Sommer & Karen Kho)

Adopt the Resolution attached.

Karen Kho provided an overview of the staff report. The report is available here:

<http://www.stopwaste.org/sites/default/files/meeting/Prop%2084%20Drought%20Grant%2011.13.14.pdf>

There were no questions or comments on this item. Board member Tam made the motion to approve the staff recommendation. Board member Wozniak seconded and the motion carried 16-0 (Carson, Landis and Natarajan absent).

4. 2015 BayREN Contract Authorization - Resolution (EC only) Action
(Gary Wolff, Wendy Sommer & Karen Kho)

Adopt the Resolution attached.

Karen Kho provided an overview of the staff report. The report is available here:

http://www.stopwaste.org/sites/default/files/meeting/2015%20BayREN%20Contract%20Auhtorization_0.pdf

There were no questions or comments on this item. Board member Freitas made the motion to approve the staff recommendation. Board member Rood seconded and the motion carried 13-0-1 (Carson and Natarajan absent) (Tam abstained).

5. Mid-Year Budget Adjustments (WMA & EC, separate votes) Action

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(Gary Wolff, Pat Cabrera & Gina Peters)

Staff recommends that the Authority Board at its November 19, 2014 meeting adopt the proposed mid-year budget revisions as they pertain to the Authority Board's operations and as outlined in the attached resolution (Attachment A). Staff recommends that the Energy Council at its November 19, 2014 meeting adopt the proposed mid-year revisions as they pertain to the Energy Council and as outlined in the attached resolution (Attachment B). Staff further recommends that the Recycling Board at its December 11, 2014 adopt the proposed mid-year budget revisions as they pertain to Recycling Board operations and as outlined in the attached resolution (Attachment C).

Mr. Wolff provided an overview of the staff report. The report is available here:

<http://www.stopwaste.org/sites/default/files/meeting/Mid%20year%20packet.pdf>

Board member Biddle asked for clarification about adequate staffing with respect to the added funds for HHW, BayREN and Bay-Friendly. Mr. Wolff stated there will be additional staffing requirements at the County HHW facility for HHW operation but no additional staffing here with respect to BayREN and Prop 84. We will instead utilize consultants when needed.

Board member Turner made the motion to approve the staff recommendation for the WMA Board. Board member Sadoff seconded and the motion carried 15-0 (Carson, Landis, Pentin, and Natarajan, absent).
(Board member Pentin was absent from the room for this item).

Board member Rood made the motion to approve the staff recommendation for the Energy Council. Board member Kalb seconded and the motion carried 14-0 (Carson and Natarajan absent).

6. WMA Vacancies on the Recycling Board (WMA only) (Gary Wolff) Action

Make appointments to the Recycling Board.

Mr. Wolff provided an overview of the staff report. The report is available here:

<http://www.stopwaste.org/sites/default/files/meeting/vacancies%20on%20the%20RB.pdf>

Board member Cutter nominated Board members Maass (Albany) and Rood (Piedmont) to serve on the Recycling Board. Board member Turner seconded and the motion carried 15-0 (Carson, Landis, Pentin, and Natarajan absent).

(Board member Pentin was absent from the room for this item).

7. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (WMA only) (Gary Wolff) Action

(P&O and Recycling Board meeting, December 11th at 4:00 pm - StopWaste Offices, 1537 Webster St., Oakland, CA)

Board members Ellis and Pentin requested interim appointments for the P&O and RB meeting on December 11th. Board members Sadoff and Biddle volunteered to serve as interim appointments. Board member Freitas made the motion to approve the interim appointments. Board member Turner seconded and the motion carried 16-0 (Carson, Landis, and Natarajan absent).

8. 2015 Meeting Schedule (WMA & EC) (Gary Wolff & Wendy Sommer) Action

Adopt the meeting schedule for 2015.

Mr. Wolff provided an overview of the staff report. The report is available here:

<http://www.stopwaste.org/sites/default/files/meeting/vacancies%20on%20the%20RB.pdf>

The item requires WMA action only. Board member Ellis made motion to accept the staff recommendation. Board member Wozniak seconded and the motion carried 16-0 (Carson, Landis, and Natarajan absent).

9. Water-Energy Grant Application Authorization - Resolution (EC only) Action

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(Gary Wolff, Wendy Sommer & Karen Kho)

Adopt the Resolution attached.

Karen Kho provided an overview of the staff report. The report is available here:

<http://www.stopwaste.org/sites/default/files/meeting/2014%20Water-Energy%20Grant%20Application.pdf>

There no questions or comments on this item. Board member Cutter made the motion to approve the staff recommendation. Board member Rood seconded and the motion carried 14-0 (Carson and Natarajan absent).

**10. LEED-EB Certification of StopWaste Headquarters (WMA & EC)
(Gary Wolff & Wes Sullens)**

Information

This item is for information only.

Mr. Wolff provided a summary of the staff report. The report is available here:

<http://www.stopwaste.org/sites/default/files/meeting/LEED%20EB%202014.pdf>

Board member Sadoff inquired if there are similar gold and silver categories for O&M (Operations and Management). Mr. Wolff stated yes, the ratings are gold, silver, and platinum, and StopWaste is platinum. Board member Maass inquired why certification and not just LEED compliance, and is there a cost for certification. Mr. Wolff stated that we have been members of the US Greenbuilding Council for many years and they are partially supported by fees from certification and it demonstrates our support for others to become certified. Second we discovered last year that buildings with credible green labels are valued considerably more (about 9% more) in the marketplace.

The Board extended congratulations to staff on receiving LEED-EB Platinum.

VII. COMMUNICATIONS/MEMBER COMMENTS (WMA/EC)

Board member Cutter stated that she attended the Waste Management Open House & Recycling Event and learned that plastic utensils can be recycled if they are placed inside of a large recyclable box (e.g. washing powder box). Board member Wozniak announced that the City of Berkeley passed a building energy ordinance that requires all buildings have an energy audit. Large buildings must have an annual audit or show that they are energy star compliant; medium buildings must be audited every 5 years and single family every 10 years. Board member Kalb announced that the plastic bag manufacturers are gathering signatures to do a referendum in response to the passage of the Statewide plastic bag ban and encouraged Board members to make sure that the public is well informed as the signature gatherers are intentionally misleading the public. Mr. Wolff stated that he had worked with Board member Kalb to draft a statement countering the misinformation and encouraging the public to not sign the petition. The statement also includes a link to additional information about our ordinance. Board member Rood stated that he received a solicitation from a new Ad Hoc Save the State Bag Bill coalition soliciting elected officials support for the existing State bag ban. Board member Rood checked in with Mr. Wolff who informed him that the solicitation was created by Californians Against Waste.

Mr. Wolff acknowledged the service of outgoing Board members Lena Tam, Jennifer West and Gordon Wozniak presented each of them with a certificate of appreciation and a recycled content glass gift item. Mr. Wolff also showed a humorous powerpoint presentation highlighting some of the accomplishments during their tenure.

The presentation is available here:

<http://www.stopwaste.org/sites/default/files/Board%20member%20farewell%20Nov%202014.pdf>

Each of the outgoing Board members provided comments and expressions.

VIII. ADJOURNMENT (WMA/EC)

The meeting adjourned at 4:15 p.m.