

APPROVED

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

**And
THE ENERGY COUNCIL (EC)**

Wednesday, January 25, 2017

3:00 P.M.

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

I. CALL TO ORDER

Dan Kalb, President, WMA, called the meeting to order at 3.02 p.m.

II. ROLL CALL

WMA & EC:

| | |
|---------------------------------|----------------------------|
| County of Alameda | Keith Carson, WMA, EC |
| City of Alameda | Jim Oddie, WMA, EC |
| City of Albany | Peter Maass, WMA, EC |
| City of Berkeley | Kriss Worthington, WMA, EC |
| Castro Valley Sanitary District | Dave Sadoff, WMA |
| City of Dublin | Don Biddle, WMA, EC |
| City of Emeryville | Dianne Martinez, WMA, EC |
| City of Livermore | Bob Carling, WMA, EC |
| City of Newark | Mike Hannon, WMA, EC |
| City of Oakland | Dan Kalb, WMA, EC |
| Oro Loma Sanitary District | Shelia Young, WMA |
| City of Piedmont | Tim Rood, WMA, EC |
| City of Pleasanton | Jerry Pentin, WMA, EC |
| City of San Leandro | Deborah Cox, WMA, EC |
| City of Union City | Lorin Ellis, WMA, EC |
| City of Fremont | Vacant |

ABSENT:

| | |
|-----------------|---------------------|
| City of Hayward | Al Mendall, WMA, EC |
|-----------------|---------------------|

Staff Participating:

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

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Others Present:

Ken Lewis, Waste Management, Inc.
Peter Slote, City of Oakland
Donna Cabanne, City of Livermore Resident
Antoinette Stein, City of Berkeley Resident

III. ANNOUNCEMENTS BY THE PRESIDENTS

President Kalb announced that the State of California Environmental Protection Agency (CalEPA) awarded StopWaste one of its 2016 Governor's Environmental and Economic Leadership (GEELA) Awards for its multi-step school program. President Kalb along with staff from the schools program was present to accept the award. President Kalb thanked staff for years of dedicated work to make this program a successful asset to schools in Alameda County.

Executive Director Wendy Sommer announced that staff Wes Sullens is leaving StopWaste to accept a position at the US Green Building Council in Washington, DC. Mr. Sullens will be working as the Director of Codes Technical Development. Ms. Sommer acknowledged Mr. Sullens for his contributions to the agency in the area of green policy and codes development. He also recently received the prestigious LEED Fellow designation. Ms. Sommer welcomed Todd High as the new Financial Services Manager. Mr. High was the Regional Financial Operations Manager and Controller for Recology and brings a wealth of experience in tracking and analyzing recycled commodities, budgeting process, rate reviews, etc. He also brings experience from the private sector working for Arthur Andersen and Hewlett Packard.

Board member Young introduced Rita Duncan as the new alternate from Oro Loma Sanitary District. Board member Duncan is the newly elected Director for the Oro Loma Sanitary District Board and the second woman elected in 100 years.

IV. CONSENT CALENDAR

1. **Approval of the Draft Minutes of December 21, 2016 (Wendy Sommer)** **Action**
2. **ACWMA Property: Grazing License Amendment (Brian Mathews)** **Action**
The Programs & Administration Committee recommends that the Authority Board adopt Resolution #WMA 2017-01 to authorize the Executive Director to amend the Grazing License between the Authority and Joseph and Charlene Paulo to change the rent collection mechanism from "in-advance" rent payment to "in arrears" rent payment.
3. **ACWMA Property Lease: Sprint, AT&T, T-Mobile, and Others (Brian Mathews)**
The Programs & Administration Committee recommends that the Authority Board adopt Resolution #WMA 2017-02 to authorize the Executive Director to:
 - Amend the Sprint electrical trench lease to reduce the rent by the terms described herein if and when new tenants sub-lease the electrical power-line trench; and
 - Enter into a lease agreement based on the terms described herein with AT&T for use of the electrical power-line trench operated by Sprint; and
 - Enter into a lease agreement based on the terms described herein with T-Mobile for use of the electrical power-line trench operated by Sprint; and
 - Enter into a lease agreement(s) based on the terms described herein with tenant(s) as may be identified in the future for use of the electrical power-line trench operated by Sprint.
2. **Minutes of the January 18, 2017 Technical Advisory Group (Karen Kho)** **Information**

There was no public comment on the consent calendar.

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Board member Worthington made the motion to approve the Consent calendar. Board member Young seconded and the motion carried 18-0.

(Ayes: Biddle, Carling, Carson, Cox, Ellis, Hannon, Kalb, Maass, Martinez, Oddie, Pentin, Rood, Sadoff, Worthington, Young. Nays: None. Abstain: None. Absent: Mendall. Vacant: Fremont).

V. OPEN PUBLIC DISCUSSION

Toni Stein, City of Berkeley resident, commented on the recent roll backs of environmental regulations and asked that the Board remain committed to keeping the environment safe.

VI. REGULAR CALENDAR

1. **Second Reading and Consideration of Adoption for Ordinance 2017-01: Amendment to the Alameda County Integrated Waste Management Plan to include the Altamont Compost Facility in the unincorporated area of Livermore (Debra Kaufman)** **Action**

It is recommended that the Waste Management Authority waive the requirement to read the full text of the Ordinance, read by title only, and adopt Ordinance 2017-01.

Debra Kaufman provided an overview of the staff report and presented a PowerPoint presentation. The combined report and presentation is available here: [Altamont-CoIWMP-memo-01-25-17.pdf](#)

President Kalb opened the floor for public comment. Donna Cabanne, City of Livermore resident, requested that the Board postpone the public hearing. Ms. Cabanne also provided written comments on behalf of the residents on Dyer Road. The comments as Attachment A are included as a matter of record. Peter Slote, City of Oakland, spoke in support of approval of the ordinance. Antoinette Stein, City of Berkeley resident, spoke in opposition to the project and asked that the Board postpone the public hearing. There were no further public speakers. President Kalb closed the public hearing.

Board member Pentin stated that the residents on Dyer Road claimed that they were notified of the public hearing only this week. He is concerned that adequate time is provided to the residents for public comment and therefore asks that the Board continue the item for one month. Board member Martinez inquired about the consequences of postponing the public hearing. Ms. Sommer stated that the Board directed staff at the December 21, 2016 to request that County of Alameda Planning Department notify the residents on Dyer Road of the January 25, 2017 public hearing and second reading. Staff received confirmation from the County Planning staff that notifications were sent to the Dyer Road residents on December 29, 2017 and were sent again on Friday, January 20, 2017. Ms. Kaufman added that on December 29 the notices were sent to addresses within a 3,000 feet radius and on January 20 they included addresses within a 6,000 feet radius. Ken Lewis, Operations Manager for the Altamont Landfill stated that the closest residence is within a mile and a quarter of the facility. Ms. Sommer stated that in order for Waste Management to complete the permitting process and move on to the next phase this Board would need to issue a conformance finding.

Board member Hannon inquired if all of the residents on Dyer Road were notified of the County permitting process in 2013. Mr. Lewis stated yes. He added that some members on the Community Monitor Committee, Altamont Landfill Settlement Agreement are also members of ALARM (Altamont Landowners Against Rural Mismanagement), and minutes from meetings during that timeframe confirm that there were discussions regarding the composting facility. Board member Hannon asked for clarification on the issues of truck traffic and wood pile violations as expressed by the residents. Mr. Lewis stated that the landfill is permitted for 11,000 tons per day and they are currently at 4,000 tons per day which is well below the truck limits per the use permit. With respect to the wood piles, the wood waste is a result of recycled wood accepted by a 3rd party that leases the property. The waste to energy plants were shut down for a while but have since reopened and wood piles are returning to their normal levels.

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Board member Oddie stated that he shares the concern that all of the residents of Dyer Road may not have been noticed and supports continuing the item for one month. Board member Worthington stated that he hasn't seen evidence that continuing the item would result in a different outcome and added the environmental benefits are immense and therefore supports approval of the item. Board member Biddle stated that an in-county composting facility has been in the agency's plans for many years and therefore supports moving ahead with the project. Board member Martinez stated that tabling the decision may send a message to Dyer Road residents that this Board has the authority to address their concerns regarding the composting facility. However, we are not the lead agency for this project but are solely charged with a finding of conformance as it applies to the ColWMP. President Kalb stated that he concurs with Board member Worthington that he doesn't find evidence that supports continuing the project and supports moving forward. Board member Carling stated that he is not convinced about the December 29, 2017 notification to residents and supports continuing the project another month to allow the Dyer Road residents the opportunity to provide public comment. Ms. Kaufman added the WMA Board is only obligated to notice the public hearing in newspapers and there is no obligation for the WMA to notify residents. President Rood stated that he is sympathetic to going above and beyond the requirement to give people an opportunity to comment but he is not supportive of delaying the process.

Board member Biddle made the motion to approve the staff recommendation. Board member Worthington seconded and the motion carried 15-3.

(Ayes: Biddle, Carson, Cox, Ellis, Hannon, Kalb, Maass, Martinez, Rood, Sadoff, Worthington, Young. Nays: Carling, Oddie, Pentin. Abstain: None. Absent: Mendall. Vacant: Fremont).

The Board adjourned to closed session at 3:53 p.m.

2. CLOSED SESSION (WMA only)

CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6(a)

Agency Negotiator: Wendy Sommer

Unrepresented Employees: (all Agency employees; position titles available upon request)

Confidential materials mailed separately

There were no reportable items from the closed session.

3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend Action future Board Meeting(s) (Wendy Sommer)

(P&O and Recycling Board meeting, February 9, 2017 - 7:00 pm – San Leandro Public Library – Karp Room, 300 Estudillo Avenue, San Leandro, CA)

Board member Pentin requested an interim appointment for the February 9, 2017 meeting P&O/RB meeting. Board member Biddle volunteered to attend as the interim appointment. Board member Pentin made the motion to approve the interim appointment of Board member Biddle. Board member Cox seconded and the motion carried 16-0.

(Ayes: Biddle, Carling, Cox, Ellis, Hannon, Kalb, Maass, Martinez, Oddie, Pentin, Rood, Sadoff, Worthington, Young. Nays: None. Abstain: None. Absent: Carson, Mendall. Vacant: Fremont).

4. 2017 BayREN Contract (Karen Kho) (EC only) Action

Adopt the attached Resolution authorizing the Executive Director to enter into a 2017 contract for Bay Area Regional Energy Network (BayREN) and other related actions.

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

[2017-BayREN-Contract-01-25-17.pdf](#)

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Energy Council President Ellis asked for public comment on this item. There was no public comment on this item.

Board member Kalb made a motion to approve the staff recommendation, Board member Oddie seconded and the motion carried 14-0.

(Ayes: Biddle, Carling, Cox, Ellis, Hannon, Kalb, Maass, Martinez, Oddie, Pentin, Rood, Worthington. Nays: None. Abstain: None. Absent: Carson, Mendall. Vacant: Fremont).

5. CCA Status Report (Karen Kho) (EC only)

Information

Karen Kho presented a PowerPoint presentation, available here:

[EC-CCA-status update-1.25.17.pdf](#)

Board member Kalb stated that some of the Board members present were on the temporary CCA steering committee. Two of the cities have not joined. There is hope that Contra Costa County and a few more cities might join. Board member Kalb added the first East Bay Clean Energy (CCA) meeting is on Monday, January 30, 2017.

VII. COMMUNICATION/MEMBER COMMENTS

Information

There were none.

VIII. ADJOURNMENT

The meeting adjourned at 4:53 p.m.