

APPROVED

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

Wednesday, February 24, 2021

3:00 P.M.

TELECONFERENCE MEETING

I. CALL TO ORDER

President Cox called the meeting to order at 3:00 p.m. Wendy Sommer explained the process that would be utilized during the meeting. A link to the process is available here: [Virtual-Meetings-Instructions](#)

II. ROLL CALL OF ATTENDANCE

WMA & EC

County of Alameda	David Haubert, WMA, EC
City of Alameda	Trish Herrera Spencer, WMA, EC
City of Albany	Preston Jordan, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Melissa Hernandez, WMA, EC (President)
City of Fremont	Jenny Kassin, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC
City of Hayward	Francisco Zermeño, 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	Jen Cavanaugh, WMA, EC
City of Pleasanton	Jack Balch, WMA, EC
City of San Leandro	Deborah Cox, WMA (President), EC
City of Union City	Jaime Patiño, WMA, EC

Staff Participating:

Wendy Sommer, Executive Director
Timothy Burroughs, Deputy Director
Pat Cabrera, Administrative Services Director
Jeff Becerra, Communications Manager
Justin Lehrer, Operations Manager
Rachel Balsley, Program Manager
Cassie Bartholomew, Program Manager
Michelle Fay, Program Manager
Kelly Schoonmaker, Program Manager
Arliss Dunn, Clerk of the Board
Richard Taylor, WMA Legal Counsel

III. ANNOUNCEMENTS BY PRESIDENTS

There was none.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

There were no public comments on the remote call and no public comments were received via the public comments email portal.

V. CONSENT CALENDAR

1. Approval of the Draft WMA & EC Minutes of January 27, 2021 (Wendy Sommer)

There were no public comments for the Consent Calendar. Board member Zermeño made the motion to approve the Consent Calendar. Board member Sadoff seconded and the motion carried 20-0: The Clerk called the roll:

(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kalb, Kassan, Martinez, Patiño, Sadoff, Spencer, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: None.)

VI. REGULAR CALENDAR

1. SB 1383 Implementation – Proposed Roles for StopWaste and member agencies (Timothy Burroughs)

Provide direction to staff on proposed roles for SB 1383 implementation.

Timothy Burroughs provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [SB-1383-Update.pdf](#). Mr. Burroughs, along with agency staff, Rachel Balsley, Cassie Bartholomew, Kelly Schoonmaker, and Meghan Starkey outlined the roles that member agencies and other partners will play in the implementation of SB 1383 activities.

Board member Kalb inquired about clarification for the role that StopWaste will play with regard to organics collection services for commercial and multi-family properties in light of the differences with franchise agreements countywide. Mr. Burroughs replied that the Mandatory Recycling Ordinance (MRO) requires the provision of recycling and organic service at commercial businesses and multi-family buildings, and StopWaste monitors compliance to ensure that these services are being provided. StopWaste conducts inspections and reviews data to ensure compliance. Ms. Balsley stated for 1383, StopWaste will perform annual compliance reviews of hauler data to assess who has services and who doesn't. Ms. Balsley added in the first two years of implementation, the businesses that do not have the services would need to be notified of their non-compliance. Board member Kalb inquired with regard to procurement if there is a requirement to purchase biomass. Ms. Schoonmaker stated no. Board member Zermeño inquired about clarification regarding Tier 1 and Tier 2 of Food Recovery Program Enforcement. Mr. Burroughs stated that Tier 1 refers to entities that provide non-perishable food, such as a wholesaler or grocery store, and Tier 2 refers to perishable food distributed by a restaurant. Board member Zermeño inquired as to why there aren't penalties assessed for contamination when monitoring those entities. Mr. Burroughs stated that the decision was made at the state level to not assess penalties on that component but to focus on technical assistance, education and outreach. Ms. Balsley added the impetus to the change in the final regulations is the hope that there will be changes in the franchise agreements to include contamination fees assessed by the hauler. Board member Zermeño inquired if food banks are exempt from the regulations. Ms. Balsley stated that food recovery organizations will be required to maintain records of the food

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they receive from donors. Board member Zermeño inquired about costs associated with SB 1383. Mr. Burroughs stated that we are at the beginning of the budgeting process and will provide more information to the board during the budget presentation in April. However, the most significant costs for member agencies will be for the procurement of compost, mulch and other materials. Ms. Schoonmaker added the cost for compost countywide will be between \$6-10 million and for Hayward approximately \$600,000.

Board member Jordan inquired that if organics collection is provided at a multi-family residence building wouldn't the services be provided through the jurisdiction's franchise agreement thus informing the jurisdiction of the service. Ms. Balsley stated that the franchise agreements offer a range of services available to certain entities, however, it's usually up to the generator to subscribe to those services for multifamily properties and businesses. Board member Jordan stated with regard to procurement of biomass that he is aware of a company that is pursuing rebuilding a biomass generation facility and commented that it could present an opportunity to partner with EBCE (East Bay Community Energy). Ms. Schoonmaker stated that the procurement measures are not required to be in place by December 31 but we can continue having these conversations. Board member Jordan inquired about the regulation for standardization of bin colors, and inquired if the county is already meeting the requirement for recycled paper. Ms. Balsley stated that SB 1383 regulations do require the standardization of bin colors (green - organics, blue - recycling, and grey or black - garbage) for the body or lids of the bins (or both), but only as bins reach the end of their useful life or by January 1, 2036, whichever comes first. Ms. Schoonmaker stated with regard to the requirement for recycled paper that it is not only for office paper but all types of paper products and we are coordinating with the County General Services Agency as well as individual jurisdictions to address this issue. Board member Martinez inquired if staff is aware of any upcoming legislation that may address our needs or if we are planning to sign on to any such legislation. Mr. Becerra stated that staff will be coming to the Board in March with our full legislative agenda. Board member Wengraf commented that the legislation was crafted prior to COVID-19 and inquired if there have been any modifications to the legislation that would influence how we do food recovery. There have not been any modifications made by CalRecycle to the legislation that would influence how we do food recovery based on what's required in the law around surplus food donation. There has been acknowledgement from CalRecycle staff, that the Edible Food Recovery Capacity Planning results will likely be impacted by COVID-19 and may not fully represent the normal amount of surplus food generated and donated food recovered to feed people. This may require future planning and assessment to better understand the gaps and needs around edible food recovery (donation).

Board member Spencer commented that she appreciates the focus on education regarding contamination and she has heard that people are putting their garbage in bins that do not belong to them. Board member Jordan inquired if gleaning organizations are included in the legislation. Ms. Bartholomew stated that they are not. Board member Hannon informed Mr. Burroughs that he may receive additional emails or inquiries from Board members via email. There were no public comments on this item. President Cox thanked staff for a very thorough and informative presentation.

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

(Planning Committee and Recycling Board meeting, March 11, 2021, 4:00 p.m. Meeting will be held via teleconference).

There were no requests for an interim appointment.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

There was none.

The Board adjourned to closed session at 4:10 p.m.

VIII. CLOSED SESSION (WMA only)

1. PUBLIC EMPLOYMENT

(Pursuant to Government Code Section 54957)

Title: Executive Director

**2. CONFERENCE WITH LEGAL COUNSEL—
ANTICIPATED LITIGATION**

**Initiation of litigation pursuant to Section
54956.9(d)(4): (1 potential case)**

There were no reportable actions from the closed session item for Public Employment, and the closed session item on Initiation of Litigation was not considered and will be considered at a future meeting.

IX. ADJOURNMENT

The meeting was adjourned at 5:10 p.m.