

Shelia Young, **WMA President**
Oro Loma Sanitary District, WMA

Dianne Martinez, **WMA 1st Vice President**
City of Emeryville, WMA, EC

Bob Carling, **WMA 2nd Vice President**
City of Livermore, WMA, EC

Dan Kalb, **EC President**
City of Oakland, WMA, EC

Jack Balch, **EC 1st Vice President**
City of Pleasanton, WMA, EC

Preston Jordan, **EC 2nd Vice President**
City of Albany, WMA, EC

David Haubert, County of Alameda, WMA, EC

Trish Herrera Spencer, City of Alameda, WMA, EC

Susan Wengraf, City of Berkeley, WMA, EC

Dave Sadoff, Castro Valley Sanitary District, WMA

Melissa Hernandez, City of Dublin, WMA, EC

Jenny Kassan, City of Fremont, WMA, EC

Francisco Zermeno, City of Hayward, WMA, EC

Michael Hannon, City of Newark, WMA, EC

Jen Cavanaugh, City of Piedmont, WMA, EC

Deborah Cox, City of San Leandro, WMA, EC

Jaime Patiño, City of Union City, WMA, EC

Timothy Burroughs, Executive Director

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

Wednesday, March 23, 2022

3:00 P.M.

TELECONFERENCE MEETING

Teleconference/Public Participation Information to Mitigate the Spread of COVID-19

This meeting will be held entirely by teleconference. All Board members, staff, and the public will only participate via the Zoom platform using the process described below. The meeting is being conducted in compliance with the recent amendments to the Ralph M. Brown Act suspending certain teleconference rules due to the ongoing state of emergency and state and local health officials recommendations to maintain social distancing. The purpose of these amendments was to provide the safest environment for the public, elected officials, and staff while allowing for continued operation of the government and public participation during the COVID-19 pandemic. Board members will receive a separate unique email invite. Staff and members of the public may attend and participate in the meeting by:

1. Calling US: +1 669 900 6833 and using the Webinar ID 840 2634 1263
2. Using the [Zoom](#) website or App and entering meeting code 840 2634 1263

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, March 23, 2022. The public may also comment during the meeting by sending an e-mail to publiccomment@stopwaste.org prior to the close of public comment on the item being addressed. Each e-mail will be read into the record for up to three minutes.

In accordance with the Americans with Disabilities Act and the recent amendments to the Ralph M. Brown 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

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|----|---|
| 1 | 1. Approval of the Draft WMA & EC Minutes of February 23, 2022 |
| 5 | 2. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361
Adopt Resolution WMA# 2022-03. |
| 9 | 3. Rules of Procedure for Teleconferencing at Waste Management Authority and Committee Meetings
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. |
| 27 | 4. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361
Adopt Resolution EC# 2022-05. |

VI. REGULAR CALENDAR

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|----|---|
| 31 | 1. Legislative Positions for 2022 (Jennifer West)
Adopt positions on the bills outlined in the staff report. |
| 39 | 2. SB 1383/ORRO Implementation Update (Rachel Balsley, Cassie Bartholomew & Kelly Schoonmaker)
This item is for information only. |
| | 3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliss Dunn)
(The April 14, 2022 Planning Committee and Recycling Board meeting will not be held in lieu of a joint meeting of the WMA Board, Energy Council, and Recycling Board on Wednesday, April 27, 2022 at 3:00 p.m. Meeting will be held via teleconference) |

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. ADJOURNMENT – TO JOINT WMA, EC, & RB MEETING – APRIL 27, 2022 AT 3:00 P.M.

DRAFT

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

Wednesday, February 23, 2022

3:00 P.M.

TELECONFERENCE MEETING

I. CALL TO ORDER

President Young called the meeting to order at 3:01 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 & RB

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
City of Emeryville	Dianne Martinez, WMA, EC
City of Fremont	Jenny Kassan, WMA, EC
City of Livermore	Bob Carling, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC (EC President)
Oro Loma Sanitary District	Shelia Young, WMA (President)
City of Piedmont	Jen Cavanaugh, WMA, EC
City of Pleasanton	Jack Balch, WMA, EC
City of San Leandro	Deborah Cox, WMA, EC
City of Union City	Jaime Patiño, WMA, EC

ABSENT

City of Hayward	Francisco Zermeño, WMA, EC
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Staff Participating

Timothy Burroughs, Executive Director
Pat Cabrera, Administrative Services Director
Jeff Becerra, Communications Manager
Justin Lehrer, Operations Manager
Karen Kho, Principal Program Manager
Candis Mary-Dauphin, Program Manager
Ben Cooper, 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

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 26, 2022

2. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361 Adopt Resolution WMA# 2022-01.

3. Annual Audit for Fiscal Year 2020-21

That the WMA Board and Energy Council review, accept and file the Fiscal Year 2020-21 Annual Comprehensive Financial Report.

4. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361 Adopt Resolution EC# 2022-01.

There were no public comments for the Consent Calendar. Board member Cavanaugh moved approval of the Consent Calendar and Board member Jordan seconded. The motion carried 19-0 (WMA) and 18-0 (EC): The Clerk called the roll:

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

VI. REGULAR CALENDAR

1. Update on Equity and Empowerment Initiatives (Karen Kho & Candis Mary-Dauphin)

This item is for information only.

Timothy Burroughs introduced the item and stated that in December 2020, the Board adopted long-term Aims and Guiding Principles that hold social and racial equity at the center of our work. This item provides an update on how staff is integrating equity into outreach efforts as well as applying an equity lens when developing and shaping projects. Candis Mary-Dauphin provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [Equity-Update-memo.pdf](#). Additional time was provided to the Board for discussion and clarifying questions. An audio link to the discussion is available here: [Equity-Update-Discussion](#)

Board members were very pleased with efforts towards inclusion and equity and recommended that staff reach out to member agency staff for assistance with outreach and collaboration in furthering these efforts. There were no public comments on this item. President Young thanked staff for the presentation.

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

(Planning Committee and Recycling Board meeting on March 10, 2022 at 4:00 p.m. The meeting will be held via teleconference)

There were no requests for an interim appointment.

3. Overview of Bay Area Healthy Homes Initiative and Energy Equity for Renters Initiative (Candis Mary-Dauphin & Ben Cooper)

This item is for information only.

EC President Kalb chaired this item. Candis Mary-Dauphin provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [BAHHI-Energy-Equity-Renters-memo.pdf](#). Additional time was provided to the Board for discussion and clarifying questions. An audio link to the discussion is available here: [BAHHI-Energy-Equity-Renters-Discussion](#).

There was no public comment on this item. President Kalb thanked staff for the presentation.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Timothy Burroughs announced the monthly topic brief: How to compost food scraps from your kitchen, available here: [Feb-2022-Topic-Brief](#). Mr. Burroughs announced that on March 20, StopWaste will be hosting a webinar on [Recycling and Composting at Work](#). President Young stated that Oro Lomo Sanitary District will be doing a new bin roll out in early April.

VIII. ADJOURNMENT – to March 23, 2022 at 3:00 P.M.

The meeting adjourned at 4:00 p.m.

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DATE: March 23, 2022

TO: Waste Management Authority Board

FROM: Timothy Burroughs, Executive Director

SUBJECT: Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361

SUMMARY

On September 16, 2021, the Governor signed into law as an urgency measure, AB 361 (Rivas), which allows local legislative bodies to continue to meet by teleconference in order to promote public health and safety, subject to certain conditions, which must be reconsidered every 30 days. At its March 23, 2022, meeting, the Waste Management Authority (WMA) Board will consider a resolution to approve and direct the continued use of teleconferencing for its public meetings to enable social distancing, as long as the findings required by AB 361 are met and other provisions of the Brown Act are followed.

DISCUSSION

In light of the continued state of emergency declared by the Governor related to COVID-19, state and local officials have imposed or recommended measures to promote social distancing. This direction from state and local health officials is based on the increased safety protection that social distancing provides as one method to reduce the risk of COVID-19 transmission.

The state of emergency and associated direction from state and local health officials to promote social distancing continues to impact the ability for the WMA Board to meet safely in person. The direction from public health officials that informs the findings in the attached resolution has not changed. Therefore, staff recommends that the Board approve the attached resolution to direct the continued use of teleconferencing for its public meetings to enable social distancing, as long as the findings required by AB 361 are met and other provisions of the Brown Act are followed. The Board will need to revisit the need to conduct meetings remotely at least every 30 days.

RECOMMENDATION

Adopt resolution #WMA 2022-03.

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
RESOLUTION #WMA 2022- 03**

**MOVED:
SECONDED:**

AT THE MEETING HELD MARCH 23, 2022

**RESOLUTION REGARDING MEETING VIA TELECONFERENCE TO PROMOTE SOCIAL DISTANCING,
PURSUANT TO AB 361**

WHEREAS, in response to the COVID-19 pandemic, the Governor adopted a series of Executive Orders allowing the legislative bodies of local governments to meet remotely via teleconference so long as other provisions of the Brown Act were followed; and

WHEREAS, on September 16, 2021, the Governor signed into law as an urgency measure, AB 361, which allows for the continued use of remote meetings by local legislative bodies subject to certain conditions, which must be reconsidered every 30 days; and

WHEREAS, on behalf of all legislative bodies for the Alameda County Waste Management Authority (WMA), the WMA Board has considered the current state of health guidance related to public meetings in Alameda County and finds it necessary to continue with remote meetings to promote public health and safety.

NOW THEREFORE BE IT RESOLVED, that the WMA Board approves and directs the continued use of teleconferencing for public meetings of the WMA's legislative bodies based on the following findings required by Government Code Section 54953(e), as amended by AB 361:

- The entire State of California remains under a proclaimed state of emergency as declared by the Governor of the State of California related to the COVID-19 pandemic.
- State and local officials have imposed or recommended measures to promote social distancing. For example, on September 23 the Alameda County Health Care Services Agency Director recommended social distancing at all meetings of the Board of Supervisors and its committees. This recommendation is consistent with the Division of Occupational Safety and Health of California's (Cal/OSHA) Emergency Temporary Standards, which require employers to train and instruct employees that the use of social distancing helps combat the spread of COVID-19 (8 Cal. Code Regs. 3205(c)(5)(D)).
- The state of emergency continues to directly impact the ability to meet safely in person. For example, given the constraints of the WMA's available meeting spaces, social distancing is difficult without severely limiting space for members of the public to attend.
- The Board anticipates this resolution will appear on its consent calendar for review and ratification or update at each regular Board meeting for as long as the Governor's proclaimed state of emergency related to the COVID-19 pandemic remains in effect, social distancing continues to be recommended, and the Board desires to continue remote public meetings.

BE IT FURTHER RESOLVED, that this determination by the WMA Board shall apply to all of the WMA's legislative bodies, as defined by the Ralph M. Brown Act. Those legislative bodies include:

Programs & Administration Committee
Planning Committee

BE IT FURTHER RESOLVED, that:

1. WMA Board and Committee meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361, to better ensure the health and safety of the public.
2. The WMA Board will revisit the need to conduct meetings remotely at least every 30 days following adoption of this resolution.
3. If the Board determines the need still exists at each 30-day review, this resolution will be ratified by a vote of the Board documented in the minutes of that meeting.

Passed and adopted this 23rd day of March 2022 by the following vote:

AYES:

NOES:

ABTAIN:

ABSENT:

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 23rd day of March 2022 by the following vote::

AYES:

NOES:

ABSENT:

ABSTAINED:

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

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 10th day of March 2022 by the following vote::

AYES:

NOES:

ABSENT:

ABSTAINED:

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

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 unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section. P&A Committee members who are unable to attend a P&A Committee meeting in person are encouraged to have their member agency's alternate attend in their

place. No more than two Committee members may utilize teleconferencing per Committee meeting at no more than two teleconferencing locations. A Committee member wishing to utilize teleconferencing 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 in accordance with the procedures for meetings of the WMA Board. 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.



DATE: March 23, 2022

TO: Energy Council

FROM: Timothy Burroughs, Executive Director

SUBJECT: Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361

SUMMARY

On September 16, 2021, the Governor signed into law as an urgency measure, AB 361 (Rivas), which allows local legislative bodies to continue to meet by teleconference in order to promote public health and safety, subject to certain conditions, which must be reconsidered every 30 days. At its March 23, 2022, meeting, the Energy Council (EC) will consider a resolution to approve and direct the continued use of teleconferencing for its public meetings to enable social distancing, as long as the findings required by AB 361 are met and other provisions of the Brown Act are followed.

DISCUSSION

In light of the continued state of emergency declared by the Governor related to COVID-19, state and local officials have imposed or recommended measures to promote social distancing. This direction from state and local health officials is based on the increased safety protection that social distancing provides as one method to reduce the risk of COVID-19 transmission.

The state of emergency and associated direction from state and local health officials to promote social distancing continues to impact the ability for the Energy Council to meet safely in person. The direction from public health officials that informs the findings in the attached resolution has not changed. Therefore, staff recommends that the Energy Council approve the attached resolution to direct the continued use of teleconferencing for its public meetings to enable social distancing, as long as the findings required by AB 361 are met and other provisions of the Brown Act are followed. The Energy Council will need to revisit the need to conduct meetings remotely at least every 30 days.

RECOMMENDATION

Adopt resolution #EC 2022-04.

**ENERGY COUNCIL
RESOLUTION #EC 2022 – 04
MOVED:
SECONDED:**

AT THE MEETING HELD MARCH 23, 2022

WHEREAS, in response to the COVID-19 pandemic, the Governor adopted a series of Executive Orders allowing the legislative bodies of local governments to meet remotely via teleconference so long as other provisions of the Brown Act were followed; and

WHEREAS, on September 16, 2021, the Governor signed into law as an urgency measure, AB 361, which allows for the continued use of remote meetings by local legislative bodies subject to certain conditions, which must be reconsidered every 30 days; and

WHEREAS, the Energy Council has considered the current state of health guidance related to public meetings in Alameda County and finds it necessary to continue with remote meetings to promote public health and safety.

NOW THEREFORE BE IT RESOLVED, that the Energy Council approves and directs the continued use of teleconferencing for its public meetings based on the following findings required by Government Code Section 54953(e), as amended by AB 361:

- The entire State of California remains under a proclaimed state of emergency as declared by the Governor of the State of California related to the COVID-19 pandemic.
- State and local officials have imposed or recommended measures to promote social distancing. For example, on September 23 the Alameda County Health Care Services Agency Director recommended social distancing at all meetings of the Board of Supervisors and its committees. This recommendation is consistent with the Division of Occupational Safety and Health of California's (Cal/OSHA) Emergency Temporary Standards, which require employers to train and instruct employees that the use of social distancing helps combat the spread of COVID-19 (8 Cal. Code Regs. 3205(c)(5)(D).).
- The state of emergency continues to directly impact the ability to meet safely in person. For example, given the constraints of the Energy Council's available meeting spaces, social distancing is difficult without severely limiting space for members of the public to attend.
- The Energy Council anticipates this resolution will appear on its consent calendar for review and ratification or update at each regular Board meeting for as long as the Governor's proclaimed state of emergency related to the COVID-19 pandemic remains in effect and the Board desires to continue remote public meetings.

BE IT FURTHER RESOLVED, that:

1. Energy Council meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361, to better ensure the health and safety of the public.
2. The Energy Council will reconsider the circumstances of the state of emergency and the need to conduct meetings remotely at least every 30 days following adoption of this resolution.
3. If the Energy Council determines the need still exists at each 30-day mark, the determination will be ratified by a vote of the Board documented in the minutes of that meeting.

Passed and adopted this 23rd day of March 2022 by the following vote:

AYES:

NOES:

ABTAIN:

ABSENT:

Arliss Dunn, Clerk of the Board

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DATE: March 23, 2022

TO: Waste Management Authority and Energy Council

FROM: Jennifer West, Program Manager

SUBJECT: Legislative Positions for 2022

SUMMARY:

On January 3, the California State Legislature reconvened and began the second year of the two-year 2021-22 legislative session. The Legislature introduced 2,020 bills for this session between both the Senate and Assembly. Legislative policy committees will begin to hear these new bills in late March and April. At the March 23, 2022 meeting, staff will review proposed bill positions for the WMA and Energy Council Boards to consider for adoption.

DISCUSSION:

At its November 2021 meeting, the Waste Management Authority adopted four legislative priorities for 2022:

1. Common sense adjustments to SB 1383 procurement requirements
2. Clear product labeling to reduce customer confusion
3. “Circular economy” solutions that advance source reduction of problematic materials such as low-grade plastics
4. Decarbonization/electrification of our built environment to reduce reliance on carbon emitting forms of energy

Working with Jason Schmelzer and Priscilla Quiroz of Shaw Yoder Antwih Schmelzer and Lange (our contract lobbyist in Sacramento), we are tracking and contributing input on priority bills throughout the legislative process. Several bills are still in “spot” language form and will only be able to be analyzed once more language is included through amendments. Most bills do not yet have committee or fiscal analyses.

StopWaste bill positions include:

Support:	Support positions can range from signing on to joint support letters, submitting our own, testifying in committees, and/or providing input on bill language
Support If Amended:	Letters of support with recommended amendments
Oppose:	Opposition

Oppose Unless Amended:

Letters of opposition unless the measure includes recommended amendments to address concerns

Watch:

Indicates that bill language and details are still evolving, and we will continue to watch and provide input and take a support/oppose position where appropriate

SUMMARY OF RELEVANT BILLS AND PROPOSED STOPWASTE BILL POSITIONS

Brown Act

[AB 1944 \(Lee\) Local government: open and public meetings](#)

This bill would permanently allow local agencies to permit board members to join public meetings via teleconference without disclosing the location from which they are joining the meeting. Should a local agency allow board members to join via teleconference, then the public meeting must be streamed to the public and the public must have an option to remotely provide comments during the meeting.

Recommended position: Support

Support: None listed

Opposition: None listed

Plastic Pollution Prevention

[AB 1690 \(Luz Rivas\) Tobacco and cannabis products: single-use components](#)

This bill would ban the sale of single-use cigarette and cigar filters, and all-in-one disposable vapes, to reduce litter. Cigarette filters are the number one litter item collected in community and coastal clean-up efforts.

Recommended position: Support

Sponsored: National Stewardship Action Council

Opposition: None listed

[AB 1953 \(Maienschein\) Drinking water: accessible water bottle refill stations](#)

This bill would mandate refillable water bottle stations in public areas like transit stations and publicly owned buildings.

Recommended position: Support

Sponsored: Californians Against Waste, Clean Seas Lobbying Coalition

Opposition: None listed

[AB 2026 \(Friedman\) Recycling: plastic packaging and carryout bags](#)

This bill would require large online retailers to phase out common types of plastic packaging, such as padded envelopes, air pillows, polystyrene peanuts and bubble wrap, by January 1, 2024. Small retailers would have to do the same by January 1, 2026.

Recommended position: Support

Support: National Stewardship Action Council, CALPIRG

Opposition: None listed

[AB 2784 \(Ting\) Solid waste: thermoform plastic containers: postconsumer thermoform recycled plastic](#)

Establishes minimum content standards for thermoform food containers, ultimately requiring 30% recycled materials in such packaging.

Recommended position: Support

Support: None listed

Opposition: None listed

[AB 2787 \(Quirk\) Microplastics in products](#)

This bill would prohibit the sale or distribution of products containing intentionally added microplastics.

Recommended position: Support

Support: None listed

Opposition: None listed

[SB 1046 \(Eggman and Lena Gonzalez\) Solid waste: precheckout bags](#)

This bill would prohibit stores from distributing non-compostable plastic produce bags and instead require produce bags to be reusable or made from paper or compostable materials.

Recommended position: Support

Sponsored: Californians Against Waste

Opposition: None listed

[SB 1255 \(Portantino\) Single-use products waste reduction: Dishwasher Grant Program for Waste Reduction in K–12 Schools and Community Colleges](#)

This bill would establish the Dishwasher Grant Program for Waste Reduction in K–12 Schools and Community Colleges, administered by CalRecycle. The Department would award grants of up to \$40,000 per kitchen of a school or campus and would develop administrative guidelines for implementation of the program.

Recommended position: Support

Support: None listed

Opposition: None listed

Recycling

[AB 1454 \(Bloom\) The California Beverage Container and Litter Reduction Act](#)

This bill authorizes CalRecycle to establish regional convenience zones, expands the payment options for the California Redemption Value (CRV) and increases processing payments for certified recycling centers for a specified number of beverage containers.

Recommended position: Watch

Support: Californians Against Waste, Republic Services, California League of Conservation Voters
Opposition: Consumer Watchdog

Climate/Energy

[SB 778 \(Becker\) Buy Clean California Act: Environmental Product Declarations: concrete](#)

This bill adds concrete to the Buy Clean California Act, requiring a successful project bidder on state agency projects to provide the global warming potential of each concrete product used. The measure also requires state agencies and universities, or awarding authorities, to consider the global warming potential from concrete products and discounts when evaluating bids for a project.

Recommended position: Support

Support: 350 Bay Area Action, California League of Conservation Voters, National Resources Defense Council (NRDC), Nextgen California

Opposition: Associated General Contractors of California, Construction Employers Association, National Electrical Contractors Association (NECA), United Contractors (UCON)

[SB 1297 \(Cortese\) Low-embodied carbon building materials: carbon sequestration](#)

This bill would require the Natural Resources Agency to develop a plan and recommendations to minimize embodied carbon and maximize carbon sequestration in building materials. This measure would also require a public agency, when feasible and cost effective, to prefer the use of building materials with low-embodied carbon.

Recommended position: Support

Support: None listed

Opposition: None listed

[SB 1301 \(Becker\) Building performance standards](#)

This bill would provide that it is the intent of the Legislature to later enact legislation to create building performance standards for improvements in water and energy efficiency and reductions in the emissions of greenhouse gases in large buildings and to create a set of related financial support programs and tenant protection measures.

Recommended position: Watch

Support: None listed

Opposition: None listed

[SB 1393 \(Archuleta\) Energy: appliances: local requirements](#)

This bill would require a city or county to submit an application to, and receive approval from, the State Energy Resources Conservation and Development Commission before the city or county could require that a fossil fuel-fired appliance be replaced with an electric appliance upon the alteration or retrofit of a residential or nonresidential building.

Recommended position: Concerns. Currently as written, SB 1393 may make it difficult for jurisdictions to electrify buildings

Support: None listed

Opposition: None listed

Extended Producer Responsibility (EPR)/Circular Economy

[AB 2779 \(Irwin\) Beverage containers: wine and distilled spirits](#)

This bill would expand the state's Beverage Container Recycling Program to include wine and distilled spirits sold in aluminum beverage containers.

Recommended position: Support

Support: None listed

Opposition: None listed

[SB 38 \(Wieckowski\) Beverage Containers](#)

Replaces the existing Beverage Container Recycling Program (Bottle Bill) with a new recycling program administered by beverage container manufacturers. Establishes a state goal redemption rate of 85% per beverage container type and, if CalRecycle determines that the redemption rate for any beverage container type drops below 85% in 2026, increases the refund value of that beverage container type to \$0.10 commencing January 1, 2028.

Recommended position: Watch

Support: Consumer Watchdog, Environment California, Save Our Shores

Support in concept: California Product Stewardship Council, National Stewardship Action Council

Opposition: Waste Haulers Council, Athens Services, Republic Services, Waste Connections, Waste Management, Californians Against Waste

[SB 54 \(Allen\) Plastic Pollution Producer Responsibility Act](#)

This bill would prohibit producers of single-use, disposable packaging or single-use, disposable food service ware products from selling packaging or products in the state unless they are recyclable or compostable. The bill in print is a placeholder for ongoing negotiations.

Recommended position: Watch (language under development)

Support: CALPIRG, California League of Conservation Voters, Environmental California, Environmental Working Group

Opposition: American Forest & Paper Association, California Food Producers, Californians for Recycling and the Environment

[SB 1215/AB 2440 \(Newman/Irwin\) Battery and Battery-Embedded Product Recycling and Fire Risk Reduction Act of 2022](#)

These bills would require retailers of battery and battery-embedded products, including lithium-ion, alkaline, nickel-cadmium, and nickel-metal hydride batteries, to accept and collect used rechargeable batteries for reuse, recycling, and disposal.

Recommended position: Support

Sponsored: California Product Stewardship Council, ReThink Waste, Californians Against Waste

Opposition: None listed

[SB 1256 \(Wieckowski\) Waste management: disposable propane cylinders](#)

This bill would ban the sale of disposable 1lb propane cylinders in California beginning January 1, 2028, since refillable options are becoming more readily available.

Recommended position: Support

Sponsored: California Product Stewardship Council

Opposition: None listed

Organics/Composting

[AB 1985 \(R.Rivas\) Organic waste: list: available products](#)

This bill would create an online database of organic waste products on the market to enable local governments to connect with local farmers and community members seeking their products. The author and co-sponsors intend to add provisions in the measure to support local governments in meeting the SB 1383 procurement requirements.

Recommended position: Support in Concept

Sponsored: Californians Against Waste (CAW), League of California Cities, and Rethink Waste

Opposition: None listed

Other

[AB 649 \(Bennett\) Department of Resources Recycling and Recovery: Office of Environmental Justice and Tribal Relations](#)

This bill creates an Office of Environmental Justice and Tribal Relations under the California Department of Resources Recycling and Recovery. The measure is intended to effectively address the needs of disadvantaged communities, low-income communities, California Native American tribes, and farm workers.

Recommended position: Support

Support: None listed

Opposition: None listed

[AB 1857 \(C. Garcia\) Solid Waste](#)

This bill will remove the diversion credit for municipal solid waste incinerators and redefine the practice of incineration as disposal.

Recommended position: Support

Support/Sponsored: Californians Against Waste, Earthjustice, Valley Improvement Projects, and East Yards Communities for Environmental Justice

Opposition: None listed

[AB 2208 \(Kalra\) Fluorescent lamps: sale and distribution: prohibition](#)

This bill would phase out fluorescent lamps in general lighting applications by banning the sale of compact fluorescent lamps starting on January 1, 2024, and the sale of linear fluorescent lamps starting on January 1, 2025.

Recommended position: Support

Sponsored: National Stewardship Action Council

Support: Clean Water Action, Environmental Working Group
Opposition: None listed

[AB 2374 \(Bauer-Kahan\) Crimes against public health and safety: illegal dumping](#)

This bill increases fines against those caught illegally dumping of commercial garbage and waste, and provides judges flexibility to add penalties against the violator.

Recommended position: Support
Sponsored: Contra Costa County
Opposition: None listed

[AB 2481 \(Smith\) Household hazardous waste: facilities: transportation and acceptance](#)

This bill would make a variety of changes to the laws related to transportation of household hazardous waste (HHW) and operations of household hazardous waste collection facilities. Allows an individual who is not a resident of a household that generated HHW to transport those wastes to an HHW facility on behalf of the generator who is unable or unavailable to transport the wastes.

Recommended position: Support
Support/Sponsored: Rural County Representatives of California (RCRC)
Opposition: None listed

[SB 983 \(Eggman\) Consumer warranty protection: express warranties](#)

This bill adds individual owners and regulated independent service dealers to the entities eligible to receive functional parts, tools, and service literature from manufacturers for electronics and appliances.

Recommended position: Support
Support/Sponsored: Californians Against Waste (CAW), CALPIRG, iFixIt, and Consumer Reports
Opposition: None listed

Next Steps/Key Dates

- April: Committee hearings.
- May: Board receives status update on bills and provides direction as appropriate.
Governor's May revision of the budget is released.
- June: The state budget for 2022-23 must be passed.
- August: Deadline for bills to pass the Legislature.
- September: Deadline for Governor to sign or veto bills.
- October: Status update provided to Board after Governor takes action.

RECOMMENDATION:

Adopt positions on the bills listed above.

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DATE: March 23, 2022

TO: Waste Management Authority Board

FROM: Rachel Balsley, Senior Program Manager
Cassie Bartholomew, Program Manager
Kelly Schoonmaker, Program Manager

SUBJECT: SB 1383/ORRO Implementation Update

SUMMARY

State law SB 1383 and the Organics Reduction and Recycling Ordinance (ORRO) took effect on January 1, 2022, and StopWaste is supporting member agencies with various implementation activities, including ordinance adoption, organics procurement, outreach and education, edible food recovery, and more. At the March 23 meeting, staff will provide a summary update of those efforts.

DISCUSSION

Ordinance/Enforceable Mechanism Adoption

A foundational requirement in the SB 1383 regulations is that jurisdictions had to adopt an ordinance or other enforceable mechanisms that incorporates the SB 1383 regulations by January 1, 2022. At its July 28, 2021, WMA Board meeting, StopWaste adopted the Organics Reduction and Recycling Ordinance (ORRO) to provide an ordinance for countywide consistency that member agencies could opt-in to. From August to December, StopWaste staff provided guidance to member agency staff and attended City Council and District Board meetings to support ordinance adoption. All member agencies have either formally opted-in to ORRO or passed an ordinance that essentially mirrored the ORRO language. On-time adoption of the ordinances/enforceable mechanisms allowed StopWaste member agencies to be eligible for potential first round funding of CalRecycle SB 1383 Local Assistance grant funds. Letter agreements between StopWaste and member agencies formally designate StopWaste to assist in implementation and enforcement of selected activities.

Outreach and Education

To assist member agencies, and in an effort to create consistent messaging across the county, StopWaste took a lead role in the development and initial dissemination of public education and outreach materials as required by the SB 1383 regulations. StopWaste mailed letters to five audience segments to notify them of the new law: businesses, multifamily properties, Tier 1/Tier 2 commercial edible food generators, food recovery organizations, and K-12 school districts. Chambers and business associations were engaged to help spread the word and several new

landing pages were added to StopWaste.org to serve as a central landing place for more information and quick access to a variety of free resources. Materials were translated into four languages in addition to English—Chinese, Korean, Spanish, and Vietnamese.

Additional resources include a template residential bill insert and outdoor cart/bin decals, which help to reinforce message consistency across the county. Webinars have been another successful channel to communicate. A training webinar was conducted for hauler field and customer service representatives, and a webinar for businesses was held recently with more than 120 attendees. Building off of this success, the team plans to host additional sector-specific webinars in the coming months to reach edible food generators and multifamily property owners and managers.

Food Recovery

StopWaste successfully negotiated a Memorandum of Understanding (MOU) with the Alameda County Department of Environmental Health (ACDEH) to assist with education and compliance monitoring at Tier One and Tier Two commercial edible food generator permitted sites in the county. The SB 1383/ORRO food recovery requirements will be incorporated into their existing food safety inspections. A MOU template was provided to StopWaste's member agencies and now most have signed MOUs in place allowing for inspections to begin. StopWaste is working closely with ACDEH to train their inspectors on the requirements and resources, and to provide consistent education and messaging to sites they inspect.

Edible food capacity planning activities were conducted to better understand the existing and potential capacity of the food recovery organizations and services operating in Alameda County, as well as to estimate the amount of edible surplus food generated by Tier One and Tier Two accounts. StopWaste continues to convene the Alameda County Food Recovery Network, which has expanded to include new members representing more food recovery organizations and services in the county. We continue to provide grants to food recovery organizations and services to help build capacity to recover more donated food. Our team worked closely with ACDEH to develop safe food handling practices and guidance for food donors. A list of organizations and services is now available online to help food generating businesses identify partners to pick up or receive their surplus edible food at <https://resource.stopwaste.org/food-recovery-organizations>.

Procurement

The WMA Board identified a legislative or regulatory fix to the procurement targets as a priority for 2022. StopWaste's efforts are focused on identifying potential adjustments to procurement requirements that benefit Alameda County and other areas with robust compost markets and established organics programs. Staff is working with other counties, the composting industry, and the state on this issue.

In the meantime, StopWaste is supporting member agencies' compliance with the procurement requirements in several ways. We contracted with PlaceWorks, a landscape architecture and planning firm, to work with member agencies to inventory the amount of landscape area available for compost and mulch application in Alameda County jurisdictions. This information was then used to determine the amount of compost and mulch that can be used annually. StopWaste is currently

exploring opportunities to use the information in the landscape area inventory to create a tracking and record-keeping tool to facilitate reporting.

StopWaste is supporting member agencies to distribute more compost by piloting compost hubs at urban farm partners. Urban farms will receive large donations of compost that they can use on the farm on the condition that they make the compost available to the community. The first compost hub is in Alameda located at the Bay Area Maker Farm, serving the nearby community. Compost distributed via hubs can be attributed to the host jurisdiction's procurement requirements.

Stopwaste is also developing and testing direct service provider agreements to help member agencies attribute compost used in agriculture and landscape construction to their procurement targets. Staff will discuss the direct service provider agreement with Zero Foodprint to work toward member agencies' procurement targets while expanding carbon sequestration statewide. We will also discuss the concept of attributing compost used on non-municipal landscape construction projects to jurisdictions' procurement targets by leveraging member agencies' existing Water Efficient Landscape Ordinance enforcement.

Other Support

StopWaste launched new website forms for SB 1383/ORRO businesses and multifamily properties to request waivers or provide documentation of alternative recycling such as self-haul, back-haul, and shared service to support member agencies with countywide processing of these requests. As of early March, 345 waiver requests have been submitted for de minimus generation and are in various stages of review or approval. This is approximately 2% of the ~20,000 commercial garbage accounts countywide.

StopWaste will also be taking the lead on sending non-compliance letters to commercial and multifamily properties that do not have the required organics or recycling collection service. These letters are expected to start in late April or May.

To assist businesses and multifamily properties with compliance, StopWaste continues to provide countywide technical assistance services via a consulting contract with Cascadia Consulting Group that coordinates TA activities with member agency and hauler outreach staff.

StopWaste also recently launched a Member Agency Data Portal to provide information on activities that StopWaste is conducting on behalf of member agencies to support the jurisdiction recordkeeping and reporting requirements of SB 1383.

Lastly, StopWaste SB 1383/ORRO staff are supporting TAC SB 1383 sub-groups that started in 2021 that facilitate sharing among member agencies on Enforcement, Outreach and Education, Food Recovery, and Procurement.

RECOMMENDATION

This item is for information only.

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**April 2022 Meetings
Schedule**

**Alameda County Waste Management Authority, the Energy Council, Source Reduction &
Recycling Board, and Programs and Administration Committee**

(Meetings will be held **via teleconference** unless otherwise noted)

SUN	MON	TUES	WED	THURS	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14 9:00 A.M. Programs & Administration Committee Key Items: 1. Executive Director spending authority <hr/> CANCELLED Planning Committee & Recycling Board (Joint Meeting w/WMA on 4/27)	15	16
17	18	19	20	21	22	23
24	25	26	27 3:00 P.M. Joint Meeting Waste Management Authority, Energy Council & Recycling Board Key Items: 1. FY 22-23 Budget presentation 2. Executive Director spending authority	28	29	30