

APPROVED

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

THE ENERGY COUNCIL (EC)

AND

THE SOURCE REDUCTION AND RECYCLING BOARD (RB)

Wednesday, April 26, 2017

3:00 P.M.

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

**Teleconference
Sara Lamnin
New City Library
220 North Main Street
New City, New York 10956
(510) 432-7703**

I. CALL TO ORDER

Dan Kalb, President, WMA, called the meeting to order at 3.00 p.m. Executive Director, Wendy Sommer welcomed Board member David Bonaccorsi, alternate for the City of Fremont, and Board member Rita Duncan, alternate for the Oro Loma Sanitary District.

II. ROLL CALL

WMA, EC & RB:

County of Alameda	Scott Haggerty, WMA, EC
City of Alameda	Jim Oddie, WMA, EC, RB
City of Albany	Peter Maass, WMA, EC, RB
City of Berkeley	Jesse Arreguin, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Don Biddle, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC, RB
City of Fremont	David Bonaccorsi, WMA, EC
City of Hayward	Sara Lamnin, WMA, EC (via teleconference)
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	Rita Duncan, WMA
City of Piedmont	Tim Rood, WMA, EC, RB
City of San Leandro	Deborah Cox, WMA, EC
City of Union City	Lorrin Ellis, WMA, EC
Environmental Educator	Toni Stein, RB
Recycling Materials Processing Industry	Bernie Camara, RB

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Recycling Programs
Source Reduction Specialist

Adan Alonzo, RB
Steve Sherman, RB

ABSENT:

City of Pleasanton
Environmental Organization
Solid Waste Industry Representative

Jerry Pentin, WMA, EC, RB
John Moore, RB
Michael Peltz, RB

Staff Participating:

Wendy Sommer, Executive Director
Tom Padia, Deputy Executive Director
Pat Cabrera, Administrative Services Director
Debra Kaufman, Senior Program Manager
Richard Taylor, Legal Counsel, Authority Board
Farand Kan, Legal Counsel, Recycling Board
Arless Dunn, Clerk of the Board

III. ANNOUNCEMENTS BY THE PRESIDENTS

There were none.

IV. CONSENT CALENDAR

- | | |
|---|--------------------|
| 1. Approval of the Draft Minutes of March 22, 2017 (Wendy Sommer) | Action |
| 2. Approval of the Draft P&O/RB Minutes of Minutes March 9, 2017 (Tom Padia) | Action |
| 3. Minutes of the April 18, 2017 Technical Advisory Group (TAG) (Karen Kho) | Action |
| 4. Recycling Board Attendance Record (Tom Padia) | Information |
| 5. Written Report of Ex Parte Communications (Tom Padia) | Information |

Board member Haggerty made the motion to approve the Consent calendar. Board member Biddle seconded and the motion carried: WMA: 18-0, EC: 18-0, RB: 7-0:

(Ayes: Alonzo, Biddle, Bonaccorsi, Camara, Carling, Cox, Duncan, Ellis, Haggerty, Hannon, Kalb, Lamnin, Maass, Martinez, Oddie, Rood, Sadoff, Sherman. Nays: None. Abstain: None. Absent: Arreguin, Moore, Peltz, Pentin, Stein).

V. OPEN PUBLIC DISCUSSION

There was none.

VI. REGULAR CALENDAR

- | | |
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| 1. Proposed FY 2017/18 Budget (Wendy Sommer & Pat Cabrera) | Information |
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This item is for information only.

Wendy Sommer, Executive Director, provided a brief background of the budget presentation. Pat Cabrera provided an overview of the agency financials and Wendy Sommer provided a programmatic overview. Ms. Sommer recognized agency staff, particularly the project leads for their valuable assistance in developing the budget. Ms. Sommer thanked the finance staff including Pat Cabrera, Todd High, Nisha Patel, and Anette Henderson, as well as Jeff Becerra, Chris Ross, and Meghan Starkey for their assistance in producing the budget document. Special thanks to Karen Kho and Justin Lehrer for tweaking the budget process to make it more transparent. A link to the budget presentation is available here:

[FY-2017-18-Budget-Presentation-04-26-17.pdf](#)

A link to the draft FY 2017/18 budget is available here: [FY-2017-18-Budget-memo-04-26-17.pdf](#)

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Board member Biddle inquired if the Transportation Improvement line item in the reserves will be moved to fund the unfunded pension liability. Ms. Cabrera stated that the TIP reserve and the anticipated \$1.5 million from NextEra for the conservation easement will be considered towards paying down the unfunded pension liability. Ms. Cabrera added staff is planning to make a presentation to the WMA Board to discuss various scenarios for reducing the unfunded pension liability. Board member Biddle inquired about how the fiscal reserve is calculated. Ms. Cabrera stated that it was based on the previous projected model that calculated the difference between the average projection and the lower bound limit multiplied by 18 months. She stated that we no longer use that method for forecasting tonnage revenue and we have never had to use the fiscal reserve to fill in any revenue gaps.

Board member Sherman requested that staff put together an outline of prior versus proposed budget of upstream and downstream projects and costs. Ms. Sommer stated that staff will provide this information. President Kalb inquired about what is included in the \$1.4 million general communications line item. Ms. Sommer stated that the project charters in the budget document include a description of all projects. Page IV-31 includes a description of the proposed activities under agency communications. Such activities include the Business Efficiency Awards, the agency website, RecycleWhere online search tool and agency telephone hotline, agency newsletter, and agency sponsorships of partner agencies. It provides the marketing and outreach component across all agency projects and it also funds staff costs for five full-time employees. Only \$105,000 of the \$1.4 million is hard costs.

Board member Stein stated that she would not like to see the significant work in Codes and Standards become dormant or stagnant. Ms. Sommer stated that she agrees. By consolidating some of the legislation and regulatory activities the agency will become more efficient and effective in our approach. The work will continue under different projects. Board member Stein requested that staff provide a future report on zero waste business efforts. Ms. Sommer stated that for clarification the agency does not have a zero waste business project. We approach these efforts via the business efficiency awards each year, and through technical assistance offered through the Mandatory Recycling Ordinance project. Board member Duncan inquired if the agency has statistics for food waste diversion for Alameda County. Cassie Bartholomew, Program Manager, stated that we have site by site measurement analysis through the Smart Kitchen Initiative and by working with businesses we can determine how much edible food is wasted but we do not have countywide data. Board member Duncan inquired about the metric for validating improvement. Ms. Sommer stated that our goal for 2017/18 for food waste diversion is to increase awareness and that the goal for 2018 is a 10% increase in families that will reduce their food waste at home. This information will be obtained and measured through surveys and other outreach methods. Board member Lamnin inquired if education on reducing construction and demolition materials will be included in the Built Environment project and inquired if staff will be working with contractors and developer groups. Ms. Sommer stated that third party certification will be the primary project. However, we have worked with contractors in the past. One of the non-profits that we helped found, Build it Green, is working with contractors. We are also working with BayREN (Bay Area Regional Energy Network) and that includes contractor education and outreach. Board member Lamnin inquired if there will be a future presentation on the food recovery project. Ms. Sommer stated yes.

Board member Sherman commented that countywide over \$100 million is spent on the collection of trash, recyclables, edibles and organics, and none is spent under franchise agreements for the rescue of edible surplus foods. For the agency to have greater leverage, he would prefer to see the agency emphasize incentivizing the cities when putting together franchise agreements to sub-contract with food rescue groups more so than to giving small grants to individual groups. Board member Sherman added with respect to Packaging, he would like to see an additional bullet added to collaborate with other groups to expand the use or promotion of farmers markets in underserved areas by staffing booths as a way to further reduce usage of packaging. Board member Stein inquired if the notion of requiring cities to include food waste prevention in their franchise agreement would require a WMA resolution. Ms. Sommer stated

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that the agency can provide suggestions and best practices to cities that are considering renewal of their franchise agreements. President Kalb added obviously we cannot change existing franchise agreements but going forward as an agency we can make recommendations and provide rationale to member agencies.

During public comment, Ken Bukowski commented that we should have a single franchise agreement for the entire county.

President Kalb reminded the Board that the FY 2017/18 budget item will be on the agenda for the May WMA meeting and invited the Board to send any questions to staff or to come prepared with questions or additional comments. President Kalb thanked staff for the presentation.

2. Legislative Positions for 2017 (Debra Kaufman)	Action
Staff recommends that the Board adopt the positions recommended for the Agency for the 2017 session of the California Legislature.	

Debra Kaufman provided an overview of the staff report. A link to the report is available here: [Legislative-Positions-2017-memo-04-26-17.pdf](https://www.wmata.org/files/inline1/2017-04-26-17.pdf)

Ms. Sommer announced that Ms. Kaufman will be retiring next month and thanked her for many years of service to the agency. Ms. Sommer stated that Ms. Kaufman participated in complex planning issues, as well as many agency projects such as the reusable bag ordinance, mandatory recycling ordinance, household hazardous waste project, and of course legislation. Ms. Kaufman thanked the Board for its support and respect over the years, as well as agency staff.

Ms. Kaufman stated that in addition to the bills highlighted in the staff memo there are three additional bills that came forth after the staff memo was released. Staff is recommending a “support” position on those bills. The bills are AB444-Sharps Extended Producer Responsibility, introduced by Assembly member Ting. The agency supported a similar Ting bill on sharps last year and hopefully this bill will be successful. SB258-Cleaning Products Right to Know, is another extended producer responsibility bill introduced by Assembly member Lara and would require a manufacturer of a cleaning product, as defined, that is manufactured or sold in the state on or after January 1, 2018, to disclose ingredients or contaminants of concern. SB564-introduced by McGuire would allow residential water customers to pay for water efficiency measures over time, helping them to avoid upfront out of pocket costs. The Board supported a similar bill by McGuire last year. Ms. Kaufman added this bill has passed the Assembly and is on its way to the Senate.

Ms. Kaufman asked that the staff recommendation be revised to include the additional aforementioned bills, AB 444, SB 258, and SB 564.

Board member Bonacorrsi asked that future legislative updates include information on identifying interests that are in opposition to the bills. Board member Hannon requested that in the future staff provide information on legislation incrementally. Board member Hannon also inquired about the mechanism required if a Board member was opposed to a staff position on legislation. Authority Counsel Taylor stated the staff report is before the Board for approval and the Board meeting is the proper venue for a member to express any concerns. The Board may also wish to change positions or remove an item from the list. A Board member may take a separate view and are not bound to take the WMA position. The member should make it clear that they are speaking on behalf of their jurisdiction or individual position. Board member Hannon stated that he would not be supporting the three additional bills that were added as he has not had the chance to read them and recommended that the Board defer support of the additional items until they have had a chance to thoroughly review them. Board member Hannon added that he will not support AB 1158-Chu, Carpet Recycling, as this legislation has not been successful and asked that staff comment on the current legislation and why they feel that it needs to change. Ms. Kaufman stated that there was a general feeling that the fee was assessed too low and that the plans that the Product Stewardship

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organization put together have not been effective or successful. CalRecycle has rejected those plans as being ineffective and is fining the Product Stewardship organization. This has not been the case with other Product Stewardship programs such as the Paint Care program. This program did work well in increasing recovery in paint. The carpet program has not worked well over the past three years and CalRecycle has recommended a legislative fix. All concerned are at the table with the intention of introducing a bill to address the fixes. Board member Hannon commented that he supports AB954-Chu Food labeling guidelines with the caveat to require manufacturers to indicate “do not use after date.” President Kalb stated that although it logically makes sense the science is not there as of yet and the current bill seeks to model that message. Board member Hannon inquired about the status of SB 655-California Renewables Portfolio Standard for Incineration of Garbage. Ms. Kaufman stated that the bill has died since the staff memo was released. Board member Hannon inquired about AB 1594-Reduction of Ocean Plastic Pollution and why the agency has an oppose position. Ms. Kaufman stated that staff spoke with Californians Against Waste (CAW) prior to the Board meeting and the bill has been amended and is currently a spot bill and staff would recommend changing our position to watch. Board member Hannon stated that he would support changing our position to watch. Board member Hannon inquired about AB 1147-Solid Waste Management Enforcement. Ms. Kaufman stated that the bill is dead.

Board member Martinez asked for an overview of the agency’s legislative and lobbying efforts. Ms. Kaufman stated that staff retains the services of Justin Malan, EcoConsult for our lobbying efforts. They work the halls of the legislature and attend meetings of key staff and represent our positions. They will ask agency staff to attend and speak if necessary on issues requiring areas of expertise. Staff is in constant contact with the lobbyist throughout the legislative session. Board member Martinez stated that with Debra’s departure she would like to ensure that the agency has continued ways to measure quantifiable coverage of our lobbying efforts in Sacramento. President Kalb inquired if staff communicates the priority bills to the lobbyist. Ms. Kaufman stated yes. The lobbyist is cognizant of the agency’s priority areas of “Extended Producer Responsibility” and “Organics” as approved by the Board. Board member Oddie stated from an Assembly employee perspective they are appreciative of the letters of support especially from local agencies, and as an Assembly employee he will abstain from voting on this item. Board member Cox stated that as an Assembly employee she will abstain from voting on this item as well. Board member Stein inquired if staff works with the League of Cities and Counties on legislation. Ms. Kaufman stated yes, we work with them on high priority issues. Board member Sherman extended his thanks to Ms. Kaufman for her many years of service to this agency as well as other cities across Alameda County. President Kalb commented that the three bills added appear to be iterative of bills that the Board supported last year and recommended that we include those bills in the staff recommendation. Ms. Kaufman stated AB 444 and SB 564 were very similar bills from last year. Board member Martinez inquired about the status of SB 568. Ms. Kaufman stated that the bill has moved to committee and is supported by the city and county of San Francisco. President Kalb stated that SB 258 has a large list of supporters including environmental and health organizations, the Sierra Club, etc. It also lists a long list of opponents led by the Chemical Industry. There were no comments from the public on this item.

Board member Martinez made the motion to approve the revised staff recommendation to include the three additional bills: AB 444, SB 564, and SB 568, and to change to a “watch” position on AB 1594. Board member Arreguin seconded and the motion carried: 16-0 with exceptions as listed below.
(Ayes: Arreguin, Biddle, Bonaccorsi, Carling, Ellis, Haggerty, Hannon, Kalb, Lamnin, Maass, Martinez, Rood, Sadoff. Nays: None. Abstain: Cox, Duncan, Oddie. Absent: Pentin).

The following is a list of Board member positions on selected legislation:

Board member Haggerty voted no on SB 168

Board member Hannon voted no on SB 258

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- 3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer) Action**
(P&O and Recycling Board meeting, May 11, 2017 at 7:00 pm –
Castro Valley Public Library, 3600 Norbridge Avenue, Castro Valley, CA 94546)

There were no requests for an interim appointment.

VII. COMMUNICATION/MEMBER COMMENTS Information

President Kalb commented on the success of the March for Science in San Francisco, Hayward, Walnut Creek, Berkeley, Livermore, and Washington DC. Board member Lamnin thanked staff on the reopening of the HHW facility in Hayward, and thanked StopWaste staff for fostering the City of Hayward’s garden day volunteer information project. The event brought out staff and Keep Hayward Green task force members and dozens of residents, and converted 5,000 square feet of City Hall lawn into ecologically sustainable Bay Friendly gardening. Ms. Lamnin stated that the finished product is beautiful.

VIII. ADJOURNMENT

The meeting was adjourned at 4:22 p.m.