

APPROVED

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

Wednesday, May 26, 2021

3:00 P.M.

TELECONFERENCE MEETING

I. CALL TO ORDER

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

II. ROLL CALL OF ATTENDANCE

WMA & EC

County of Alameda	David Haubert, WMA, EC
City of Alameda	Trish Herrera Spencer, WMA, EC
City of Albany	Preston Jordan, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Melissa Hernandez, WMA, EC (President)
City of Fremont	Jenny Kassin, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC
City of Hayward	Francisco Zermeño, WMA, EC
City of Livermore	Bob Carling, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Jen Cavanaugh, WMA, EC
City of Pleasanton	Jack Balch, WMA, EC
City of San Leandro	Deborah Cox, WMA (President), EC
City of Union City	Jaime Patiño, WMA, EC

Staff Participating

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

Others Participating

Priscilla Quiroz, Shaw Yoder Antwih Schmelzer & Lange

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 Joint WMA, EC & RB Minutes of April 28, 2021 (Wendy Sommer)

There were no public comments for the Consent Calendar. Board member Haubert made the motion to approve the Consent Calendar. Board member Wengraf seconded and the motion carried 17-0:

The Clerk called the roll:

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

VI. REGULAR CALENDAR

1. FY 21-22 Budget Adoption (Wendy Sommer, Timothy Burroughs & Pat Cabrera)

That the WMA Board adopt the WMA FY 21-22 Budget Resolution (Attachment A) and the Energy Council adopt the EC FY 21-22 Budget Resolution (Attachment B).

Wendy Sommer provided an overview of the staff report. A link to the report is available here: [FY-21-22-Budget-Adoption.pdf](#)

Ms. Sommer stated that the combined FY 21-22 budget was presented at the joint meeting of the WMA, EC & RB on April 28. The proposed budget totals approximately \$32.7 million with an estimated total year-end core fund balance and reserves of \$25.6 million. Ms. Sommer reiterated that there is an opportunity for the Board to develop a policy on how to manage the fund balance in the future. There were no requests for changes to the budget. Ms. Sommer stated that this is her final budget as the Executive Director and thanked staff for their efforts in helping to produce the budget and to the Board for their leadership over the past year. Staff is recommending that the WMA Board adopt its portion of the budget totaling \$13,922,656, and the Energy Council adopt its portion of the budget totaling \$6,748,766. There were no public comments on this item.

Board member Young made the motion to adopt the WMA FY 21-22 Budget Resolution (Attachment A) and Board member Hannon seconded. The motion carried 17-0. The Clerk called the roll:

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

Board member Hannon made the motion to adopt the EC FY 21-22 Budget Resolution (Attachment B) and Board member Wengraf seconded. The motion carried 17-0. The Clerk called the roll:

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

2. Public Hearing: Ordinance Regarding Board Member Compensation (Pat Cabrera)

Staff recommends that following the public hearing the WMA Board:

1. Introduce and waive the first reading of the attached ordinance and direct staff to place it on the consent calendar for adoption at the next regular meeting of the Board.
2. Approve a revised board member meeting attendance policy once the ordinance is adopted.

Pat Cabrera provided an overview of the staff report. A link to the report is available here: [Board-Compensation-Ordinance-Amendment.pdf](#)

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President Cox opened the public hearing. There were no public comments and the public hearing was closed. Board member Hannon inquired if there would be an annual cost of living increase. Ms. Cabrera stated no, any increases to Board compensation must be done through the ordinance process.

Board member Zermeño made the motion to approve the staff recommendation and Board member Wengraf seconded. The motion carried 17-0. The Clerk called the roll:
(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kassan, Martinez, Patiño, Sadoff, Spencer, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: Kalb)

3. Public Hearing and Annual Adoption of Fee Collection Report for Household Hazardous Waste Fee (Pat Cabrera)

That the WMA Board hold a public hearing on the Fee Collection Report and approve by resolution the Fee Collection Report for FY 2021-22.

Pat Cabrera provided an overview of the staff report. A link to the report is available here: [HHW-Fee-Collection-Report-Hearing.pdf](#)

President Cox opened the public hearing. There were no public comments and the public hearing was closed. President Cox stated that she is pleased that the fee is lower than the original amount of \$9.55 per parcel. Board member Sadoff inquired about the status of the balance of the fund. Ms. Cabrera stated that based on an analysis that was conducted when the WMA Board set the fee at \$6.64, the fund balance is in a good place. Staff will conduct another analysis in 2024 and will determine if it will be necessary to raise or lower the fee. However, the fee will not increase above the \$9.55 per parcel adopted in 2014.

Board member Sadoff made the motion to approve the staff recommendation and Board member Wengraf seconded. The motion carried 20-0. The Clerk called the roll:
(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kalb, Kassan, Martinez, Patiño, Sadoff, Spencer, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: None)

4. Overview of Draft SB 1383 Ordinance (Timothy Burroughs)

This item is for information only.

Timothy Burroughs and Rachel Balsley provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [SB1383-Ordinance-Presentation.pdf](#). An audio link to the discussion is available here: [SB1383-Ordinance-Discussion](#)

Additional time was provided for Board members to ask clarifying questions. Board members recommended that when distributing any drafts to the member agency staff and agency General Managers/Administrators/City Managers that staff include the Board members as well. Mr. Burroughs stated that the input received from member agency staff thus far has largely been clarifying input and not anything that would significantly weaken or strengthen any provisions put forth by the state. Board member Jordan recommended that we consider a way to increase the penalty levels over time associated with an index like CPI that wouldn't require a full amendment of the Ordinance. Ms. Balsley stated that staff would look into it. There were no public comments on this item. President Cox thanked staff for the presentation and encouraged staff to provide a presentation to the Mayors Conference as well.

5. Legislative Positions for 2021 – Mid Session Update (Jeff Becerra)

Adopt updated positions on the bills outlined in the staff report.

Jeff Becerra provided an overview of the staff report. A link to the report is available here: [2021-Legislative-Positions.pdf](#). Priscilla Quiroz, agency lobbyist, was available to answer questions. An audio link to the discussion is available here: [2021-Legislative-Positions-Discussion](#)

Additional time was provided for Board members to ask clarifying questions. President Cox stated with regard to AB 339-Open Public Meetings, the legislation has been modified and is applicable for open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing at least 250,000 people. Board member Young inquired if staff is aware of any legislation with regard to the Brown Act and resuming in-person meetings after the June 15 reopening of the state. Ms. Quiroz replied that there is ongoing discussion regarding issues surrounding the June 15 reopening and resuming public meetings but no decision has been reached. Staff is monitoring the discussions and will keep the Board apprised of any decision. There were no public comments on this item. President Cox thanked staff for the presentation.

Board member Kalb made the motion to approve the staff recommendation and Board member Cavanaugh seconded. The motion carried 20-0. The Clerk called the roll: (Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kalb, Kassan, Martinez, Patiño, Sadoff, Spencer, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: None)

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

(Planning Committee and Recycling Board meeting, June 10, 2021 at 4:00 p.m. The meeting will be held via teleconference)

There were no requests for an interim appointment.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

There were none.

VIII. ADJOURNMENT

The meeting was adjourned at 4:46 p.m.