

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

Dianne Martinez, **WMA 1<sup>st</sup> Vice President**  
City of Emeryville, WMA, EC

Bob Carling, **WMA 2<sup>nd</sup> Vice President**  
City of Livermore, WMA, EC

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

Jack Balch, **EC 1<sup>st</sup> Vice President**  
City of Pleasanton, WMA, EC

Preston Jordan, **EC 2<sup>nd</sup> 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, June 22, 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 873 6334 3522
2. Using the [Zoom](#) website or App and entering meeting code 873 6334 3522

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, June 22, 2022. The public may also comment during the meeting by sending an e-mail to [publiccomment@stopwaste.org](mailto: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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|-----------|---|
| <b>1</b>  | <b>1. Approval of the Draft WMA &amp; EC Minutes of May 25, 2022</b>  |
| <b>5</b>  | <b>2. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361</b><br>Adopt Resolution WMA# 2022-09.  |
| <b>9</b>  | <b>3. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361</b><br>Adopt Resolution EC# 2022-08.   |
| <b>13</b> | <b>4. BayREN Contract Amendment and Extension</b><br>Adopt the attached Resolution authorizing the Executive Director to enter into a contract amendment for Bay Area Regional Energy Network (BayREN) and other related actions. |

### **VI. REGULAR CALENDAR**

- |           |  |
|-----------|--|
| <b>19</b> | <b>1. Executive Director Contract Amendment (Shelia Young, WMA President)</b><br>That the Waste Management Authority Board amend the Executive Director Employment Agreement.  |
| <b>23</b> | <b>2. Public Hearing and Annual Adoption of Fee Collection Report for Household Hazardous Waste Fee (Pat Cabrera)</b><br>That the WMA Board hold a public hearing on the Fee Collection Report and approve by resolution the Fee Collection Report for FY 2022-23. |
| <b>25</b> | <b>3. Reappointment to the Recycling Board – Board member Kalb (Timothy Burroughs)</b><br>That the Waste Management Authority Board reappoint Board member Kalb to a two-year term on the Recycling Board ending June 24, 2024.                                    |
| <b>27</b> | <b>4. Election of WMA Officers for Fiscal Year 2022-23 (Timothy Burroughs)</b><br>Staff recommends that the WMA Board elect officers for Fiscal Year 2022-23.  |
| <b>29</b> | <b>5. Election of EC Officers for Fiscal Year 2022-23 (Timothy Burroughs)</b><br>Staff recommends that the Energy Council elect officers for Fiscal Year 2022-23.  |

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

(The Planning Committee/Recycling Board meeting on Thursday, July 14, 2022 at 6:00 p.m.  
The meeting will be held via teleconference)

**VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR**

**VIII. ADJOURNMENT – to July 27, 2022 at 3:00 P.M.**

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**DRAFT**

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

**Wednesday, May 25, 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 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 (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

**Staff Participating**

Timothy Burroughs, Executive Director  
Pat Cabrera, Administrative Services Director  
Jeff Becerra, Communications Manager  
Justin Lehrer, Operations Manager  
Jennifer West, Program Manager  
Karen Kho, Principal Program Manager  
Matthew Zimbalist, Program Manager  
Arliss Dunn, Clerk of the Board  
Adrienne Ramirez, Assistant Clerk of the Board  
Deborah Miller, 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 27, 2022

#### 2. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361 Adopt Resolution WMA# 2022-07.

#### 3. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361 Adopt Resolution EC# 2022-06.

There were no public comments for the Consent Calendar. Board member Hannon moved approval of the Consent Calendar and Board member Wengraf seconded. The motion carried 17-0 (WMA) and 20-0 (EC): The Clerk called the roll:

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

### VI. REGULAR CALENDAR

#### 1. FY 22-23 Budget Adoption (Timothy Burroughs & Pat Cabrera)

That the WMA and Energy Council hold a public hearing and adopt their respective budget resolutions (Attachment A and B).

Timothy Burroughs provided an overview of the staff report. A link to the report is available here: [FY-22-23-Budget-memo.pdf](#)

Mr. Burroughs stated that the combined FY 22-23 budget was presented at the joint meeting of the WMA, EC & RB on April 27. The combined proposed FY 22-23 budget totals approximately \$36 million. There were no changes to the budget at that meeting and staff is recommending that the WMA adopt its portion of the proposed budget totaling approximately \$14.5 million, and the Energy Council proposed budget totaling approximately \$8.8 million. The WMA Resolution also authorizes the FY 22-23 salary schedule and authorized staff positions as well as new or augmented contracts. Additional time was provided to the Board for discussion and clarifying questions. Mr. Burroughs thanked the Board for their direction and guidance and thanked staff for their efforts in producing a budget that reflects our values. President Young opened the public hearing. There were no public comments on this item and the public hearing was closed.

Board member Haubert moved approval of the WMA FY 22-23 Budget Resolution (Attachment A) 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)

Board member Cox moved approval of the EC FY 22-23 Budget Resolution (Attachment B) and Board member Balch seconded. The motion carried 20-0. The Clerk called the roll:

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

## **2. Legislative Positions for 2022 (Jennifer West)**

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

Jennifer West provided an overview of the staff report. A link to the report is available here: [2022-Legislative Positions–Mid-Session-Update-memo.pdf](#). Priscilla Quiroz, the Agency’s lobbyist, was present to answer questions and provide additional information on the proposed bills. Additional time was provided to the Board for discussion and clarifying questions. An audio link to the discussion is available here: [2022-Legislative-Positions-Mid-Session-Update-Discussion](#).

Board member Kalb stated that he was pleased to see more containers added to SB 1013 as the agency has a long-standing position of supporting the addition of wine and spirit bottles to the list of containers. He also added his support to the staff recommended position of “oppose” for SB 1393. Board member Kalb motioned to approve the staff recommended positions of “support” for AB 2446, “oppose” for SB 1393, and “support” for SB 1013. Board member Zermeño seconded the motion. Board member Hannon stated that due to the lack of information regarding the amount of the deposits for wine and spirit bottles, the lack of information regarding any fiscal impacts, and the significant shortage of facilities available to return the containers, he offered a friendly amendment to change the position to “watch” for SB 1013. President Young expressed concern regarding the cost of the CRV program and availability of facilities for the public to return the containers but stated support for Board member Kalb’s motion if the Board is kept informed. Mr. Burroughs stated that the information is constantly evolving but staff will make reasonable effort to provide any available updates.

Board member Hannon inquired regarding AB 2446 if staff was aware of the current emissions for construction and stated that he would like to have additional information on how the 80% would be met. Ms. West stated that we do not have additional information at this time. Board member Herrera inquired regarding AB 2446 if there is information about an anticipated increase in costs. Ms. West stated that there is no information regarding cost at this time, however, this bill would develop the framework from the CA Energy Commission.

There were no public comments on this item. Board member Kalb moved approval of the staff recommended positions of “support” for SB 2446 and “oppose” for SB 1393. Board member Zermeño seconded and the motion carried 20-0. The Clerk called the roll:

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

Board member Kalb moved approval of the staff recommended position of “support” for SB 1013 and Board member Zermeño seconded. The motion carried 19-1. The Clerk called the roll:

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

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

(The Planning Committee/Recycling Board meeting and StopWaste Efficiency Awards on Thursday, June 9, 2022 at 4:00 p.m. The meeting will be held via teleconference).

There were no requests for an interim appointment and no action required for this item.

## **VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR**

Mr. Burroughs announced that the Topic Brief highlights the ReSource Guide. A link is available here: [RESource-Guide.pdf](#). Board member Zermeño informed the Board that he was unable to attend the June 22 WMA meeting and would reach out to his alternate.

### **VIII. CLOSED SESSION**

There were no public comments for the Closed Session. The Board adjourned to closed session at 3:53 p.m. and returned to open session at 5:12 p.m. Board members Spencer and Jordan recused themselves from closed session Item #3.

1. Pursuant to Government Code Section 54957  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: Executive Director  
(confidential materials mailed separately)

There was no action to report.

2. Pursuant to Government Code Section 54957.6  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency Designated Representatives: Board Members Carling, Cox, Martinez, and Young  
Unrepresented Employee: Executive Director  
(confidential materials mailed separately)

Direction was given to Labor Negotiators and there was no action to report.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: 950 West Tower Avenue (Building 39) Alameda Point, Alameda, CA  
Agency negotiator: Timothy Burroughs, Karen Kho, and Matt Zimbalist  
Negotiating parties: City of Alameda and Alameda County Waste Management Authority  
Under negotiation: Price and terms of lease.  
(confidential materials mailed separately)

Direction was given to the Agency Negotiators and there was no further action to report.

### **IX. ADJOURNMENT – to June 22, 2022 at 3:00 P.M.**

The meeting adjourned at 5:14 p.m.





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**DATE:** June 22, 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

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## **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 June 22, 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 2022-09.

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY  
RESOLUTION #WMA 2022- 09**

**MOVED:  
SECONDED:**

**AT THE MEETING HELD JUNE 22, 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 22<sup>nd</sup> day of June 2022 by the following vote:**

**AYES:**

**NOES:**

**ABTAIN:**

**ABSENT:**

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**Arliss Dunn, Clerk of the Board**

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**DATE:** June 22, 2022

**TO:** Energy Council

**FROM:** Timothy Burroughs, Executive Director

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

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## **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 June 22, 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 2022-08.

**ENERGY COUNCIL  
RESOLUTION #EC 2022 – 08  
MOVED:  
SECONDED:**

**AT THE MEETING HELD JUNE 22, 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 22<sup>nd</sup> day of June 2022 by the following vote:**

**AYES:**

**NOES:**

**ABTAIN:**

**ABSENT:**

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**Arliss Dunn, Clerk of the Board**

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**DATE:** June 22, 2022

**TO:** Energy Council

**FROM:** Karen Kho, Principal Program Manager  
Emily Alvarez, Program Manager

**SUBJECT:** BayREN Contract Amendment and Extension

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## **SUMMARY**

Staff is requesting Energy Council approval to enter into a contract with the Association of Bay Area Governments to amend the 2022 Bay Area Regional Energy Network (BayREN) budget and extend for an additional year through December 31, 2023. BayREN's programs and budget operate on a calendar year cycle.

## **DISCUSSION**

On December 18, 2019, the Energy Council approved a resolution authorizing the Executive Director to enter into a 3-year contract of up to \$20,342,976 for BayREN services. The California Public Utilities Commission (CPUC) has decided to extend the current utility ratepayer funded programs through 2023. BayREN has filed a new Business Plan to the CPUC for programs beginning in 2024.

Energy Council is the regional lead for the multifamily and green labeling programs and provides local outreach for the other programs. Since the Board adopted a true-up contract budget in January 2022, there have been additional budget shifts in the green labeling and multifamily programs for the 2022 calendar year. The green labeling program is receiving an additional \$250,000 for increased Home Energy Score incentives. The multifamily program is receiving an additional \$120,000 for consultant technical assistance services.

The budget shifts for the 2022 and the 2023 calendar year allocations are listed in Attachment A. The scope of work, as described in Attachment B, is unchanged.

## **RECOMMENDATION**

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

Attachment A: Budget Allocation for 2022-2023

Attachment B: Summary of Energy Council Scope of Work

**ENERGY COUNCIL  
RESOLUTION #EC 2022 – 09**

**MOVED:  
SECONDED:**

**AT THE MEETING HELD JUNE 22, 2022**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND AND EXTEND THE CONTRACT FOR  
BAY AREA REGIONAL ENERGY NETWORK (BayREN) SERVICES AND OTHER RELATED ACTIONS**

**WHEREAS**, the Energy Council recognizes that it is in the interest of local, regional, state, and federal agencies to stimulate the economy, create and retain jobs, reduce fossil fuel emissions, and reduce total energy usage and improve energy efficiency; and

**WHEREAS**, the Energy Council was formed to seek funding to develop and implement programs and policies that reduce energy demand, increase energy efficiency, advance the use of clean, efficient and renewable resources, and help create climate resilient communities; and

**WHEREAS**, on December 5, 2019, the California Public Utilities Commission (CPUC) recognized the unique role of Regional Energy Networks in filling gaps in the Investor Owned Utility programs and helping the state to achieve its Long Term Energy Efficiency Strategic Plan; and

**WHEREAS**, in its Decision 17-01-013, the CPUC approved a ten-year Business Plan for the Bay Area Regional Energy Network including an annualized budget of \$22,739,000; and

**WHEREAS**, the Energy Council partnered with the Association of Bay Area Governments (ABAG) and eight other county representatives to implement the Bay Area Regional Energy Network (BayREN); and

**WHEREAS**, with ongoing input from the Energy Council Technical Advisory Group (TAG), the Energy Council represents Alameda County jurisdictions within BayREN; and

**WHEREAS**, the Energy Council has been designated as the lead regional implementer for the multifamily and green labeling programs, and to conduct local outreach for other programs; and

**WHEREAS**, on January 3, 2022, the CPUC approved BayREN's Biennial Budget Advice Letter for 2022 and 2023; and

**WHEREAS**, on February 11, 2022, the ABAG Executive Board authorized a 2020-2023 scope of work for Energy Council for services related to BayREN as described in Attachments A and B;

**NOW THEREFORE, BE IT RESOLVED**, that the Energy Council hereby authorizes the Executive Director to:

1. Enter into all necessary contracts and agreements with ABAG and make any necessary changes to the FY 21/22 budget for Project 1347: BayREN.
2. Approve any required time extensions, modifications, or amendments thereto.
3. Allocate the necessary resources to implement and carry out the amended scope of work.

**BE IT FURTHER RESOLVED**, that the Executive Director as the Board President's designee, is hereby authorized to execute on behalf of the Energy Council all contract-related documents, including, but not limited to, applications, payment requests, agreements (including the hiring of temporary staff), and amendments necessary to secure contract funds and to implement the approved contract projects;

**ADOPTED this 22<sup>nd</sup> day of June 2022, by the following votes:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of Resolution #EC 2022 – 09

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ARLISS DUNN  
Clerk of the Board

**Attachment A**  
**Budget Allocation for Calendar Years 2022-2023**

*2022 changes in italics.*

<b>Subprogram</b>	<b>Budget Category</b>	<b>2022 as of January</b>	<b>2022 amended</b>	<b>2023</b>
Single Family	Administration	14,000	14,000	14,000
	Implementation	35,000	35,000	35,000
	Marketing	215,492	215,492	215,492
	Incentives	0	0	0
	<b>Total:</b>	264,492	264,992	264,492
Green Labeling	Administration	1,000	1,000	1,000
	Implementation	585,000	585,000	605,000
	Marketing	40,000	40,000	40,000
	Incentives	0	<i>250,000</i>	0
	<b>Total:</b>	626,000	<i>876,000</i>	646,000
Multifamily	Administration	24,000	24,000	44,000
	Implementation	1,885,000	<i>2,005,000</i>	1,885,000
	Marketing	187,000	187,000	187,000
	Incentives	3,750,000	3,750,000	3,750,000
	<b>Total:</b>	5,846,000	<i>5,966,000</i>	5,866,000
Water Bill Savings	Administration	1,500	1,500	1,500
	Implementation	5,000	5,000	5,000
	Marketing	0	0	0
	<b>Total:</b>	6,500	6,500	6,500
Commercial	Administration	5,000	5,000	5,000
	Implementation	0	0	0
	Marketing	9,900	9,900	9,900
	<b>Total:</b>	14,900	14,900	14,900
Codes & Standards	Administration	2,500	2,500	2,500
	Implementation	75,200	75,200	75,200
	Marketing	0	0	0
	<b>Total:</b>	77,700	77,700	77,700
	<b>Contract Total</b>	\$6,835,592	<i>\$7,205,592</i>	6,875,592

## **Attachment B**

### **Summary of Energy Council Scope of Work**

#### **Single Family – Local Outreach**

The Single Family program targets moderate income households and offers flexible incentives to homeowners for conducting upgrades over time. It continues to offer the Home Upgrade Advisor services and incorporates the Community Youth Energy Services (CYES) green house calls.

Energy Council will conduct local outreach in Alameda County for the Single-family program, including the following activities:

- Serve as a liaison for local contractors and facilitate their participation
- Organize homeowner workshops and other outreach events
- Refer property owners to the regional Home Upgrade Advisor service
- Conduct direct mail campaigns
- Establish partnerships with community based organizations and East Bay Community Energy
- Coordinate with Rising Sun on underserved communities within the County
- Coordinate with other energy programs operating in Alameda County
- Provide continued administration of the regional Heat Pump Water Heater Program

#### **Green Labeling – Regional Lead and Local Outreach**

The Green Labeling program enables market recognition of the value of a green home during real estate transactions. It offers Department of Energy's Home Energy Score program, assessment incentives, and real estate sector education.

Energy Council will lead the regional Green Labeling program, and conduct the following activities:

- Promote and screen Home Energy Score incentives
- Recruit and mentor Home Energy Score assessors
- Provide quality assurance in compliance with Department of Energy requirements
- Provide continuing education opportunities for realtors, appraisers and lenders to increase their ability to understand, market and evaluate energy efficient homes
- Coordinate with local governments for promotional activities
- Maintain and develop relationships with local real estate stakeholders

#### **Multifamily – Regional Lead and Local Outreach**

The Multifamily program offers cash rebates and no-cost energy consulting for multifamily properties that undertake energy and water upgrades. The program assists in planning energy savings improvements designed to save 15% or more of a building's energy and water usage and provides \$750 per unit in rebates to help pay for the upgrade.

Energy Council will lead the Regional BayREN Multifamily program and conduct the following activities:

- Ensure that total unit goals and energy savings metrics are met or exceeded
- Oversee technical consultants and partners responsible for implementation
- Verify and approve eligible scopes of work and process rebates for property owners
- Review program performance and develop program enhancements or modifications
- Monitor regulatory activities that impact program and represent Program in relevant stakeholder groups, committees and advisory groups
- Process property owner rebates totaling \$3,750,000
- Coordinate with other multifamily programs in the region

- Coordinate reporting and Evaluation, Measurement & Verification (EM&V) activities
- Convene BayREN members to participate in the multifamily committee
- Conduct regional marketing activities and coordinate local outreach activities

### **Water Upgrade Saves - Local Outreach**

The BayREN Water Upgrade Saves Program (WUS) is a unique on-bill program that allows municipal water utility customers to pay for efficiency improvements through a monthly charge attached to their meter with no up-front costs and the assurance that their utility bill savings will exceed the program charge. The City of Hayward and East Bay Municipal Utility District (EBMUD) have participated in the program.

Energy Council will conduct local outreach for the WUS financing pilot, including the following:

- Serve as a local contact for WUS water utilities in the County for questions about BayREN
- Provide support to the regional lead and promote the program to local stakeholders

### **Commercial - Local Outreach**

The Commercial program targets small to medium size commercial businesses. Energy Council will conduct local outreach for the program, including the following activities:

- Obtain market targeting data from East Bay Community Energy and promote program
- Coordinate and partner with local jurisdictions and other programs offered locally

### **Codes and Standards –Local Outreach and Energy Efficiency and Electrification Pilot**

The Codes and Standards program promotes an integrated, measurement-driven management process for enhancing energy code compliance. Its goals include increasing compliance rates with the Energy Code and Green Building standards, developing trainings for Bay Area building professionals, and promoting “reach codes” for local jurisdictions.

Energy Council will conduct local outreach for the Codes and Standards program, including the following activities:

- Conduct outreach to building departments and promote participation in BayREN activities
- Assist in prioritization and development of new BayREN trainings based on local needs
- Support Alameda County jurisdiction in adopting a reach code or energy policy
- Provide input on content of regional forums and promote participation to local governments
- Host and organize one regional Codes and Standards forum
- Serve as liaison to East Bay ICC chapter
- Lead a pilot project on tools for evaluating energy efficiency and electrification policies
- Serve as a technical advisor to BayREN on electrification and heat pump water heater industry

### **Administration**

Energy Council will perform administrative tasks to support the overall implementation of BayREN and its programs, including the following activities:

- Participating in the Coordinating Circle, which is the decision-making body for BayREN.
- Representing Alameda County jurisdictions and their interests within BayREN
- Communicating with Alameda County stakeholders about BayREN programs and activities
- Coordinating with East Bay Clean Energy, other Alameda County programs and initiatives
- Preparing and submitting monthly invoices in a timely manner



**DATE:** June 22, 2022  
**TO:** Waste Management Authority Board  
**FROM:** Shelia Young, WMA President  
**SUBJECT:** Executive Director Contract Amendment

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### **SUMMARY**

At the WMA meeting in May, the Board reviewed the annual performance evaluation for Executive Director Timothy Burroughs. The performance evaluation was conducted by an Evaluation Team that included Board Members Dianne Martinez (1st Vice President), Bob Carling (2nd Vice President), Deborah Cox (immediate Past President), and me.

Based on his outstanding performance and input from the full Board, the Evaluation Team recommends a 5.2% salary increase (\$13,520) effective the first pay period for FY 2022-23. This recommended salary adjustment is consistent with the most current Consumer Price Index (CPI). In addition, the evaluation team recommends that the employment agreement be amended to direct that the annual performance evaluation occur in May of each year, so that any amendments to the employment agreement may be considered by the full Board at a public meeting in June in alignment with the end of the fiscal year.

### **RECOMMENDATION**

That the Waste Management Authority Board amend the Executive Director Employment Agreement.

Attachment:

Amendment to Agreement for Employment as Executive Director of the Alameda County Waste Management Authority

**AMENDMENT TO  
AGREEMENT FOR EMPLOYMENT AS EXECUTIVE DIRECTOR  
OF THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY**

This agreement is between the ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (“WMA”) and Timothy Burroughs (“Employee”) and provides:

WHEREAS, WMA hired Employee as Executive Director of WMA beginning on July 12, 2021, pursuant to an agreement dated May 20, 2021 (“Employment Agreement”); and

WHEREAS, WMA desires to continue to employ Employee as Executive Director and amend the Employment Agreement based on Employee’s positive annual review for 2022 by increasing Employee’s salary by 5.2% from \$260,000 per year to \$273,520 per year effective July 1, 2022, revising the month of Employee’s annual performance evaluation from July to May, and making clarifying edits to conform the content of the agreement.

NOW THEREFORE, in consideration of the mutual covenants contained herein the parties agree as follows:

1. Section 5 of the Employment Agreement is amended as shown below:

5. SALARY.

- (a) ~~Beginning on the Effective Date~~ **Effective July 1, 2022**, WMA agrees to pay Employee ~~\$260,000 (Two hundred sixty thousand dollars)~~ **\$273,520 (Two hundred seventy three thousand five hundred twenty dollars)** per annum (“salary”) for his services, payable in installments at the same time as other employees of WMA are paid. WMA may increase this base salary based on the results of the performance evaluation as described in Section 7.
- (b) In the event the Board does not hold a performance evaluation as described in section 7 prior to the end of the ~~calendar~~ **fiscal** year **(year ending June 30)**, Employee’s base salary shall be increased by the California CPI for Urban Wage Earners and Clerical Workers for the most recent 12 months between June and June as calculated by the Department of Industrial Relations as authorized by Government Code sections 3511.1 and 3511.2. Payment will be retroactive to the pay period closest to July 1 of that calendar year, which is consistent with the time that other employees receive salary increases.

2. Section 7 of the Employment Agreement is amended as shown below:

7. PERFORMANCE EVALUATION.

- (a) Each year in ~~July~~ **May**, Employee will cause to be placed on the WMA agenda a “closed session” for the purpose of the performance evaluation. Prior to that closed session the President of the WMA Board in consultation with other Board officers and one other member of the Board shall evaluate ~~Executive Director’s~~ **Employee’s** performance based on the Executive Director job description and performance objectives for



that year, and present the results of the evaluation to the WMA Board in closed session and shall present any amendments to this agreement proposed by Employee or a member of the Board in a closed session for the Board to provide direction to an agency negotiator concerning the proposed amendments. As part of the Employee's evaluation process, Employee and the WMA Board shall establish performance objectives for Employee for the following year.

(b) The parties agree to fully comply with the Government Code sections that are part of AB 1344 (and as subsequently amended), and to fully comply with other applicable law. AB 1344, as subsequently amended, includes Government Code sections 3511.1-3511.2 and 53243-53243.4.

3. All other terms of the Employment Agreement remain in full force and effect.
4. This Agreement shall be executed simultaneously in three counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
5. This Agreement may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, "electronic signature" shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

**WMA:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Shelia Young, President  
Alameda County Waste Management Authority

APPROVED AS TO FORM:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Richard S. Taylor  
Authority Counsel

**EMPLOYEE:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Timothy Burroughs

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**DATE:** June 22, 2022

**TO:** Waste Management Authority Board

**FROM:** Pat Cabrera, Administrative Services Director

**SUBJECT:** Public Hearing and Annual Adoption of Fee Collection Report for Household Hazardous Waste Fee

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## **SUMMARY**

At the June 22, Waste Management Authority meeting, staff will ask the Board to adopt the FY 2022-23 fee collection report, as required by the Household Hazardous Waste Collection and Disposal Fee Ordinance.

## **BACKGROUND**

At the May 29, 2014, WMA meeting, the Board adopted HHW Ordinance 2014-1: "Ordinance Establishing a Household Hazardous Waste Collection and Disposal Fee." This fee, in combination with the HHW landfill tip fee, supports the four HHW facilities (Fremont, Hayward, Livermore, and Oakland), as well as annual one-day collection events throughout the county.

Under the Ordinance, a Fee Collection Report must be approved by the WMA Board each year prior to placing the fee on the Alameda County property tax roll. A proposed Fee Collection Report (FCR) was publicly noticed earlier this month. The purpose of the notice of the proposed FCR is to allow residential property owners subject to the fee to provide updated information about the number of units on their property, since the fee applies to each unit. The 2022 Fee Collection Report includes changes that property owners have requested throughout the year and during the review of the 2022 Fee Collection Report. Requests for changes have been included in the proposed FCR as indicated in the draft linked below. The Fee Collection Report lists all the parcels in Alameda County subject to the fee together with the fee amount for the parcel. The 2022 Fee Collection Report may be viewed at: [HHW-Fee-Collection-Report](#) *(please be aware that the file is very large and will take time to download)*.

As background, the fee was initially set at \$9.55 per residential unit per year, subject to an annual recalculation. On September 25, 2019, the Board amended Ordinance 2014-01 to remove the annual fee recalculation and lower the fee to \$6.64 per residential unit per year. This annual fee will be effective through June 30, 2024, at which point it will be recalculated for the subsequent five years based on HHW program operational and funding needs, subject to the \$9.55 cap in the Ordinance.

## **RECOMMENDATION**

That the WMA Board hold a public hearing on the Fee Collection Report and approve by resolution the Fee Collection Report for FY 2022-23.

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY  
RESOLUTION #WMA 2022 - 10**

**MOVED:  
SECONDED:**

**AT THE MEETING HELD JUNE 22, 2022  
THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY AUTHORIZES ANNUAL ADOPTION OF  
THE FEE COLLECTION REPORT**

**WHEREAS**, the Household Hazardous Waste Collection and Disposal Fee Ordinance (adopted by Ordinance 2014-01 and amended by Ordinance 2019-01) establishes a Household Hazardous Waste Collection and Disposal Fee, and

**WHEREAS**, the current annual fee is \$6.64 per household, and

**WHEREAS**, the ordinance requires that a Fee Collection Report describing each parcel of real property with one or more households served by the Household Hazardous Waste Collection and Disposal Program, the number of households on each parcel described, the amount of the charge for each parcel for the year, and whether the Fee is to be collected on the tax roll or by other means be approved by the WMA Board each year prior to placing the fee on the Alameda County property tax roll, and

**WHEREAS**, legal notice of the public hearing of the Fee Collection Report has been provided, and the matter scheduled on the June 22, 2022 Waste Management Authority agenda for adoption.

**NOW THEREFORE, BE IT RESOLVED** that the Alameda County Waste Management Authority hereby approves the annual Fee Collection Report.

**Passed and adopted this 22nd day of June 2022 by the following vote:**

**AYES:  
NOES:  
ABTAIN:  
ABSENT:**

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Arliss Dunn, Clerk of the Board



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**DATE:** June 22, 2022

**TO:** Waste Management Authority Board

**FROM:** Timothy Burroughs, Executive Director

**SUBJECT:** Reappointment to the Recycling Board – Board member Kalb

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#### **SUMMARY**

Board member Dan Kalb, City of Oakland, has served one two-year term on the Recycling Board and is eligible for reappointment to a second two-year term. He has indicated a willingness to serve a second two-year term. His current term expires June 24, 2022.

#### **RECOMMENDATION**

That the Waste Management Authority Board reappoint Board member Kalb to a two-year term on the Recycling Board ending June 24, 2024.

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**DATE:** June 22, 2022

**TO:** Waste Management Authority Board

**FROM:** Timothy Burroughs, Executive Director

**SUBJECT:** Election of WMA Officers for Fiscal Year 2022-23

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### **SUMMARY**

Authority officers' terms are on a fiscal year basis. Since the end of June concludes our fiscal year, it is time for election of new officers, effective July 1.

### **DISCUSSION**

Shelia Young from South County is the current President, Dianne Martinez from North County is the current First Vice President, and Bob Carling from East County is the current Second Vice President.

Authority policy calls for the geographic origin of officers to rotate each year. The next President should be from North County, the next First Vice President from East County, and the next Second Vice President from South County. It is customary, but not required by policy, for each officer to 'advance one level' each year. The county's geographic designation is determined by the member's supervisorial district boundary:

- North County is defined as Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont and Unincorporated Alameda County.
- South County is defined as Fremont, Hayward, Newark, Oro Loma Sanitary District, San Leandro, and Union City.
- East County is defined Castro Valley Sanitary District, Dublin, Livermore, and Pleasanton.

### **RECOMMENDATION**

That the WMA Board elect officers for Fiscal Year 2022-23.

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**DATE:** June 22, 2022  
**TO:** Energy Council  
**FROM:** Timothy Burroughs, Executive Director  
**SUBJECT:** Election of EC Officers for Fiscal Year 2022-23

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## **SUMMARY**

Energy Council Officers' terms are on a fiscal year basis. It is time for election of new officers for FY 2022-23. Dan Kalb (Oakland) is the current President, Jack Balch (Pleasanton) is the First Vice President, and Preston Jordan (Albany) is the Second Vice President.

## **DISCUSSION**

Items for consideration when electing officers:

- It is customary for each officer to "advance one level" each year.
- Unlike the Waste Management Authority, the Energy Council does not need to consider the geographic origin of officers to include one from each of three defined parts of the county.
- At its inception, the Energy Council was interested in ensuring that the officers were not all from large or small member agencies. Larger agencies might be defined as those with more than one vote on the Energy Council, in recognition that they have larger populations than the other agencies. The agencies with more than one vote are the City of Oakland (3), County of Alameda (2), City of Hayward (2), and City of Fremont (2).

## **RECOMMENDATION**

Staff recommends that the Energy Council elect officers for Fiscal Year 2022-23.

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**July 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 AGENCY HOLIDAY	5	6	7	8	9
10	11	12	13	14  9:00 A.M. Programs & Administration Committee Key Items: 1. Schools project update <hr/> 6:00 P.M. Planning Committee & Recycling Board Key Items: 1. Schools project update	15	16
17	18	19	20	21	22	23
24	25	26	27  3:00 P.M. Waste Management Authority & Energy Council Key Items: 1. Interim RB appointments for August & September 2. Altamont Property Update	28	29	30
31						