

APPROVED

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

Wednesday, July 25, 2018

3:00 P.M.

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

I. CALL TO ORDER

President Dave Sadoff, WMA, called the meeting to order at 3:02 p.m.

II. ROLL CALL OF ATTENDANCE

City of Alameda	Jim Oddie, WMA, EC
County of Alameda	Keith Carson, WMA, EC
City of Albany	Peter Maass, WMA, EC
City of Berkeley	Kriss Worthington, 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 Hayward	Sara Lamnin, 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	Tim Rood, WMA, EC
City of San Leandro	Deborah Cox, WMA, EC

ABSENT:

City of Fremont	Vinnie Bacon, WMA, EC
City of Pleasanton	Jerry Pentin, WMA, EC
City of Union City	Lorin Ellis, WMA, EC

Staff Participating:

Wendy Sommer, Executive Director
Tom Padia, Deputy Executive Director
Patricia Cabrera, Administrative Services Director
Anu Natarajan, Legislative and Regulatory Affairs Manager
Meghan Starkey, Senior Management Analyst
Jennifer West, Program Manager
Miya Kitahara, Program Manager
Richard Taylor, WMA Legal Counsel
Arliss Dunn, Clerk of the Board

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Others Participating:

Tom Silva, Eden Realty

Chris Valbusa, Alameda County Industries (ACI)

Bernie Camara, Livermore Sanitation, Inc. (LSI)

III. ANNOUNCEMENTS BY PRESIDENTS

There were none.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

Tom Silva, Eden Realty, provided public comment. Mr. Silva provided an email transmittal to the Board prior to the Board meeting and provided additional handouts at the meeting. Copies of the handouts are included as a matter of record. Mr. Silva appeared before the Board to apprise the Board of ongoing matters at Tampa Square in Hayward with respect to StopWaste' current residential/commercial recycling regulations and enforcement. President Sadoff stated that the Board is unable to discuss the matter because it was not included in the agenda, but asked if staff has comments on the issue. Ms. Sommer briefly addressed the three requests made by Mr. Silva in the attached letter. Ms. Sommer stated that staff is meticulous and methodical in implementing enforcement for the mandatory recycling ordinance (MRO). The process is to send two notices prior to levying a citation. Mr. Silva received two notices, the first in June 2017 and the second in December 2017. The second letter included a notice informing Mr. Silva of the opportunity to submit information to indicate that he was in compliance with the ordinance. Mr. Silva did not respond and with approval of the city of Hayward Primary Enforcement Officer, a citation was issued in April 2018. The ordinance provides thirty days in which Mr. Silva was allowed to appeal but he did not appeal the decision. In response to the second request to appeal the fine, the ordinance does not contain a provision that allows the Board the ability to appeal the fine without modifying the ordinance. The third request was to change regulations. Ms. Sommer stated that the ordinance has a mechanism in place to make accommodations to help a customer become compliant. Staff offered those accommodations to Mr. Silva and as the most recent handout indicates, he is already pursuing one of the options, which is applying for a space limitation waiver from the city of Hayward. Ms. Sommer stated that the Board may choose to place this item on the agenda for future discussion but staff considers that there is no reason to do so as the ordinance already allows options for accommodations and the appeal period has already passed.

V. CONSENT CALENDAR

1. Approval of the Draft Minutes of June 27, 2018 (Wendy Sommer)

2. Grants Issued Under Executive Director Signature Authority (Wendy Sommer)

Wendy Sommer projected an image to help Board members visualize what we mean by "reusable pallet wrap." The grant was awarded to Daylight Foods, Inc. Board member Kalb thanked the agency for supporting the Women's Cancer Resource Center and awarding them a grant for \$5,000. Board member Cox thanked staff for their support of the Community Impact Lab and awarding them a grant for \$5,000. The Community Impact Lab is comprised of women across the Bay Area empowering families and children. They are currently doing a food waste challenge among their over 200 members. Ms. Sommer recognized Jeanne Nader, StopWaste Program Manager, for facilitating the grant.

There were no public comments for the Consent Calendar. Board member Rood made the motion to approve the Consent Calendar. Board member Young seconded and the motion carried 16-0: (Ayes: Carson, Carling, Cox, Hannon, Kalb, Lamnin, Maass, Martinez, Oddie, Rood, Sadoff, Worthington, Young; Nays: None. Abstained: None. Absent: Bacon, Ellis, Hernandez, Pentin).

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VI. REGULAR CALENDAR

1. **Amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) for Alameda County Industries (ACI) Transfer/Processing Expansion for facility located at 610 Aladdin Avenue in San Leandro (Anu Natarajan/Tom Padia) – Public Hearing**

Staff and the Planning Committee of the WMA recommend that the Waste Management Authority Board take the following actions:

Hold a public hearing and introduce and waive the first reading of the CoIWMP Amendment ordinance (Attachment A) at the July 25, 2018 meeting to:

(1) Amend the CoIWMP (Exhibit 1) to include the modifications to the existing Alameda County Industries facility.

(2) Find that the Alameda County Industries Facility conforms to the CoIWMP as amended, and

(3) Direct staff to place the ordinance on the calendar for adoption at the September 26, 2018 meeting.

Tom Padia provided a summary of the staff report. A link to the report is available here:

[ACI-CoWIMP-Ordinance2018-01-07-25-18.pdf](#).

Chris Valbusa, Alameda County Industries (ACI), was available for questions. Board member Young inquired how the increase in tonnages from 412 to 620 per day would not affect the vehicle trips. Mr. Valbusa stated that the facility is reaching capacity on tonnages not vehicle trips. Board member Rood stated the distinction is whether or not the proposed project would have any significant impacts and the city of San Leandro through CEQA found that the proposed project would not pose any impacts with the additional vehicle trips. Board member Kalb inquired with respect to the additional materials the anticipated percentages of recyclables, green-waste, landfill, etc. Mr. Valbusa stated that it is natural growth. He added over the last 5-6 years there has been a 30% increase in the volume of materials coming in to the facility and that was approximately 95% recyclables and organics and they anticipate a continued growth in recyclables and organics.

President Sadoff opened the public hearing. There were no public speakers and the public hearing was closed. Board member Oddie made the motion to accept the staff recommendation. Board member Maass seconded and the motion carried 17-0:

(Ayes: Carling, Carson, Cox, Hannon, Hernandez, Kalb, Lamnin, Maass, Martinez, Oddie, Rood, Sadoff, Worthington, Young. Nays: None. Abstained: None. Absent: Bacon, Ellis, Pentin).

2. **Acceptance of Bay Area Air Quality Management District Grant for Public-Private Partnership: Prototyping Technology to Reduce Contamination (Meghan Starkey)**

That the WMA Board adopt the Resolution authorizing the Executive Director to enter into all necessary contract agreements with BAAQMD and project partners, and make corresponding changes to the FY 18/19 budget.

Meghan Starkey provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [BAAQMD-Grant-Acceptance-07-25-18.pdf](#)

Board member Hannon inquired about Livermore Sanitation (LSI)'s contribution towards the project. Ms. Starkey stated that StopWaste would be funding half of the position initially but LSI would be taking on cost of position and other costs going forward. Board member Hannon inquired about the methods that LSI will implement to prevent customers from contaminating materials. Ms. Starkey stated that they will send people out to assist the customer as well as display pictures to the customer as evidence of what they are doing wrong. Punitive measure would be a last resort. Board member Hannon stated that he likes the new technology and inquired if this is the first time it was utilized in the county. Ms.

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Starkey stated yes. Board member Hannon asked that staff report back to Board on outcomes of the project. Board member Carling inquired about the number of cameras that will be placed and if the customer will be aware of the camera. Bernie Camara, LSI, stated yes, the customer will be aware of the camera. Ms. Camara added the cameras will be placed mostly with organics customers in the downtown commercial area of Livermore near restaurants. Board member Maass inquired if the technology would work in containers other than dumpsters. Ms. Camara stated that the cameras can work in any type of container or cart. Board member Young inquired if there will be shared containers, and if so, how will they attribute the materials to a particular customer. Ms. Camara stated that they have some shared dumpsters and they will need to open the bags to determine the contents and who they belong to and identify the materials that are causing contamination. They will then contact the customer to allow them the option of cleaning out the container or for an additional fee LSI will pick up the materials and treat them as garbage. Board member Young inquired if the cameras would be monitored. Ms. Camara stated that the cameras will be operating day and night. President Sadoff inquired if the bin ID is in camera view. Ms. Camara stated yes.

There were no public comments on this item. Board member Lamnin made the motion to accept the staff recommendation. Board member Carling seconded and the motion carried 17-0:

(Ayes: Carling, Carson, Cox, Hannon, Hernandez, Kalb, Lamnin, Maass, Martinez, Oddie, Rood, Sadoff, Worthington, Young. Nays: None. Abstained: None. Absent: Bacon, Ellis, Pentin)

3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer)

(Planning Committee and Recycling Board meeting, August 9, 2018 at 4:00 p.m., StopWaste Offices, 1537 Webster Street, Oakland, CA, 94612 and September 13, 2018 at 7:00 p.m., Dublin City Hall, 100 Civic Plaza, Dublin, CA 94568)

Board member Maass requested an interim appointment for the August 9 meeting. Board member Young agreed to attend as the interim appointment. Board member Rood made the motion to accept the interim appointment. Board member Hannon seconded and the motion carried 17-0:

(Ayes: Carling, Carson, Cox, Hannon, Hernandez, Kalb, Lamnin, Maass, Martinez, Oddie, Rood, Sadoff, Worthington, Young. Nays: None. Abstained: None. Absent: Bacon, Ellis, Pentin).

Board member Oddie stated that he would need to teleconference for the September 13 meeting.

Energy Council President Oddie chaired the EC Items.

4. Heat Pump Water Heater Grant (Jennifer West) (EC only)

Adopt the Resolution authorizing the Executive Director to enter into a 2018 contract agreement of \$390,000 for implementation of the BAAQMD grant and other related actions.

Jennifer West provided a summary of the staff report. A link to the staff report is available here: [Heat-Pump-Water-Heater-Grant-07-28-18.pdf](#).

Board member Lamnin inquired if there is work with developers on new construction. Ms. West stated that the grant is specifically for existing buildings, and on new construction, and under Title 24 it requires new construction for residential to be heat pump ready. Board member Lamnin inquired if it is tankless. Ms. West replied, no. Board member Cox inquired if it needs to be on the exterior of the residence. Ms. West stated no, it can be sited in the basement or a closet, but away from the heater. Board member Cox inquired about the installation of the water heater. Ms. West stated that it can be challenging and will require plumbing and electrical work by trained installers, however life cycle costs

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are lower. Board member Martinez commented that life cycle costs are lower but currently gas is cheaper than electricity and inquired if anything is contemplated to change consumer behavior and informing consumers when they would realize savings. Ms. West stated that they will be modifying the project so that there is a component to reach out directly to residential customers as well as a web based cost calculator. Board member Maass inquired if the water heaters can be used in conjunction with solar. Ms. West stated that it is ideal to be used at a residence that has solar panels as it is drawing directly from the electric load. It can also be used with solar thermal. Board member Maass inquired about the type of contractor that can be utilized to work with the water heater. Ms. West stated that contractors that work with solar thermal are perfectly aligned with this work and staff is working with partners that have more knowledge about this type of work. Board member Hannon stated that as the project moves forward to make sure the necessary permitting is obtained from the local governing agencies. Ms. West stated that the city of Palo Alto is requiring this in their grant and staff will work with the local CCA's to ensure that this is a requirement as well.

There were no public comments on this item. Board member Kalb made the motion to accept the staff recommendation. Board member Hernandez seconded and the motion carried 16-0:
(Ayes: Carling, Carson, Cox, Hannon, Hernandez, Kalb, Lamnin, Maass, Martinez, Oddie, Rood, Worthington. Nays: None. Abstained: None. Absent: Bacon, Ellis, Pentin).

5. **BayREN Amendment #2 (Jennifer West) (EC only)**

Adopt the Resolution authorizing the Executive Director to enter into a 2018 contract amendment of \$916,000 for Bay Area Regional Energy Network (BayREN) and other related actions.

Miya Kitahara provided a summary of the staff report. A link to the staff report is available here: [BayREN-Amendment-07-25-18.pdf](#).

Board member Lamnin inquired if the Bay East Association of Realtors is included on the list of associations. Ms. Kitahara stated that the agency has engaged with them for many years and she is certain that they are included on the list.

There were no public comments on this item. Board member Cox made the motion to accept the staff recommendation. Board member Hernandez seconded and the motion carried 14-0:
(Ayes: Carling, Cox, Hannon, Hernandez, Kalb, Lamnin, Maass, Martinez, Oddie, Rood, Worthington. Nays: None. Abstained: None. Absent: Bacon, Carson, Ellis, Pentin).

Ms. Sommer distributed the monthly topic brief on Food Service Packaging as well as information on the Community Outreach grants. Both links are available below:
[Food-Service-Packaging-July2018.pdf](#) and [Community-Outreach-Grants](#)

The Board adjourned to closed session at 3:53 p.m. and returned to open session at 4:50 p.m.

6. **CLOSED SESSION (WMA only)**

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

7. **CLOSED SESSION (WMA only)**

Pursuant to Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATORS
Agency Designated Representatives: Board Members Sadoff, Rood, Cox, Hannon and Kalb

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Unrepresented Employee: Executive Director

8. CLOSED SESSION (WMA only)

Pursuant to Government Code Section 54956.9(d)(1)

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Name of case: Boone v. Alameda County Waste Management Authority, et al., Alameda County Superior Court Case No. RG17858423.

By a unanimous vote of the Board members present, the Board directed legal staff to pursue legal efforts in existing litigation, Boone versus Alameda County Waste Management Authority. Board members present and voting:

Carling, Cox, Hannon, Hernandez, Kalb, Lamnin, Maass, Martinez, Oddie, Rood, Sadoff, Worthington, Young.

There was no reportable action for Closed Session Items 6 & 7.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Board member Young motioned to reconsider her offer to serve as an interim appointment for Board member Maass at the Planning Committee and Recycling Board meeting, August 9, 2018 as she will be out of town. Board member Rood seconded and the motion carried 15-0:

(Ayes: Carling, Cox, Hannon, Hernandez, Kalb, Lamnin, Maass, Martinez, Oddie, Rood, Sadoff, Worthington, Young. Nays: None. Abstained: None. Absent: Carson, Bacon, Ellis, Pentin).

Board member Kalb agreed to attend the Planning Committee and Recycling Board meeting, August 9, 2018 as the interim appointment for Board member Maass. Board member Young made the motion to accept the interim appointment. Board member Hannon seconded and the motion carried 15-0.

(Ayes: Carling, Cox, Hannon, Hernandez, Kalb, Lamnin, Maass, Martinez, Oddie, Rood, Sadoff, Worthington, Young. Nays: None. Abstained: None. Absent: Carson, Bacon, Ellis, Pentin).

Board member Lamnin inquired if the Board would consider as a future agenda reviewing the mandatory recycling ordinance to see if there is flexibility regarding mixed-use planned developments.

VIII. ADJOURNMENT

The meeting was adjourned at 4:54 p.m.