

**APPROVED**

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

**Wednesday, September 23, 2020**

**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	Scott Haggerty, WMA, EC (alternate)
City of Alameda	Jim Oddie, WMA, EC
City of Albany	Nick Pilch, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Melissa Hernandez, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC
City of Fremont	Jenny Kassan, WMA, EC
City of Livermore	Bob Carling, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Pleasanton	Jerry Pentin, WMA, EC
City of San Leandro	Deborah Cox, WMA, EC President
City of Union City	Emily Duncan, WMA, EC

**ABSENT:**

City of Hayward	Francisco Zermeño, WMA, EC
City of Piedmont	Tim Rood, 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  
Emily Alvarez, Program Manager  
Kelly Schoonmaker, Program Manager  
Arliss Dunn, Clerk of the Board  
Richard Taylor, WMA Legal Counsel

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### Others Participating:

Edward Schexnayder, Attorney, Shute, Mihaly & Weinberger LLP  
Rick Mauck, Certified Blue Recycling

### III. ANNOUNCEMENTS BY PRESIDENTS

There were no announcements by the Presidents.

### IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

There were no public comments on the remote call and no public comments were received via the public comments email portal.

### V. CONSENT CALENDAR

#### 1. Approval of the Draft WMA & EC Minutes of July 22, 2020 (Wendy Sommer)

There were no public comments for the Consent Calendar. Board member Sadoff made the motion to approve the Consent Calendar. Board member Hernandez seconded and the motion carried 17-0. The Clerk called the roll:

(Ayes: Carling, Cox, Duncan, Haggerty, Hannon, Hernandez, Kalb, Kassan, Martinez, Oddie, Pentin, Pilch, Sadoff, Young. Nays: None. Abstained: None. Absent: Rood, Wengraf, Zermeño).

### VI. REGULAR CALENDAR

#### 1. Amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) for Certified Blue Recycling Facility located at 2075 Williams Street in San Leandro (Emily Alvarez)

Staff, the Recycling Board (as the Local Task Force), and the Planning Committee of the WMA recommend to the WMA Board that it hold a public hearing at the September 23, 2020 meeting and adopt a resolution to:

- (1) Amend the CoIWMP (Exhibit 1) to include the Certified Blue CDI Recycling Facility in the City of San Leandro;
- (2) Find that the CBR Facility conforms to the CoIWMP as amended; and
- (3) Make the findings required by CEQA.

Emily Alvarez provided an overview of the staff report. A link to the report is available here: [CoIWMP-Update-Certified-Blue-Amendment.pdf](#). Ms. Alvarez introduced Edward Schexnayder, Attorney, Shute, Mihaly & Weinberger LLP, and Rick Mauck, representative for Certified Blue Recycling. Mr. Schexnayder and Mr. Mauck were available to answer any questions.

President Cox opened the public hearing. Board member Hannon inquired about the status of the permitting process for the project. Ms. Alvarez stated that in May, CBR completed the first step in the process by obtaining approval of the Initial Study and Negative Declaration, and the Conditional Use Permit from the City of San Leandro Planning and Zone Adjustments Board. They are now seeking approval from the WMA Board for the Conformance Finding for the CoIWMP, which was listed as a condition of approval for the City of San Leandro's permitting process. If the WMA Board grants approval, CBR will then be able to obtain their Solid Waste Facility permit from CalRecycle. Board member Hannon clarified that if the WMA Board grants approval they will still not be allowed to operate until the solid waste permit is applied for and approved by the State. Ms. Alvarez stated that is correct. Board member Young inquired if the San Leandro City Council had inquired about the increase

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in truck trips. President Cox stated that the item did not appear before council but instead appeared before the Planning and Zoning Adjustments Board. Board member Young inquired if the issue was discussed at that meeting and if there was any input provided by the public. Ms. Alvarez stated that the issue of additional truck traffic was discussed at the Planning meeting and was included in the Initial Study and Negative Declaration and a study was conducted by consultants as well. It was determined that the additional truck trips were under the threshold for a significant environmental impact and would therefore not create any additional impacts. Ms. Alvarez added there were no comments provided by the public. Board member Hannon inquired that because it is a conditional use permit in the City of San Leandro is there a timeline established for the city to have an opportunity to review the permit or only if the Council requests that the item be revisited. Ms. Alvarez and Mr. Mauck stated that there is no specific timeline included in the conditional use permit. President Cox stated that City staff provided written comments regarding the approval process. Board member Martinez stated that she is in support of the staff recommendation and urged the City of San Leandro to conduct more extensive public outreach to inform the public and encourage public engagement in the process. President Cox added that she appreciates the comments provided by the board and will forward them to City staff. Ms. Alvarez clarified that there is a condition that states that the City of San Leandro can revoke or revisit the Conditional Use Permit if the facility is not in compliance or if there is a request for additional changes to the facility.

President Cox opened the public hearing. There were no public comments on this item and the public hearing was closed. President Cox made the motion to approve the staff recommendation. Board member Martinez seconded and the motion carried 18-0. The Clerk called the roll:  
(Ayes: Carling, Cox, Duncan, Haggerty, Hannon, Hernandez, Kalb, Kassan, Martinez, Oddie, Pentin, Pilch, Sadoff, Wengraf, Young. Nays: None. Abstained: None. Absent: Rood, Zermeño).

### **2. Communications Tower Lease on Authority Property (Kelly Schoonmaker)**

That the Authority Board authorize the Executive Director to enter into a lease agreement with Vasco Winds, LLC, for use of the communications tower and building on Parcel 6.

Kelly Schoonmaker provided an overview of the staff report. A link to the report is available here: [Communications-Tower-Lease-Vasco.pdf](#)

Board member Pilch inquired if the annual lease amount is standard for this type of lease agreement and if the agency has other similar lease agreements. Ms. Schoonmaker stated yes this is a standard lease agreement for tower leases in this area. Ms. Schoonmaker added that the agency has two additional tenants that lease transmission towers and the lease agreements are roughly the same although they have different needs for the towers.

There were no public comments on this item. Board member Wengraf made the motion to approve the staff recommendation. Board member Oddie seconded and the motion carried 18-0. The Clerk called the roll:  
(Ayes: Carling, Cox, Duncan, Haggerty, Hannon, Hernandez, Kalb, Kassan, Martinez, Oddie, Pentin, Pilch, Sadoff, Wengraf, Young. Nays: None. Abstained: None. Absent: Rood, Zermeño).

### **3. 2020 Priority Setting Process (Justin Lehrer & Timothy Burroughs)**

This item is for information only.

Wendy Sommer provided an introduction to the staff presentation. Ms. Sommer stated that the agency is now in the “chrysalis” stage and we are reimagining through the two-year priority setting process how the agency can be responsive to new challenges and opportunities. The two-year priority setting

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process enables us to be nimble and adaptive towards our projects so that we can continue to be effective in responding to the current COVID-19 challenges and the new horizons going forward.

Timothy Burroughs and Justin Lehrer provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [2020-Priority-Setting-Process.pdf](#)

Board member Carling commented that the term “priorities” listed in the staff report was referred to as “objectives” in the presentation and asked for clarification on the terminology. Mr. Lehrer stated that the term “objectives” as illustrated in the presentation is the intention as we do not want to get ahead of ourselves in identifying them as priorities. However, our objectives correlate to the guiding principles and priorities that have guided our projects over the past four years. Board member Carling suggested that staff apply consistency with the use of terminology. Board member Duncan inquired if the proposed priority setting objectives consider the current COVID-19 environment, or the “new normal,” and whether the agency plans to retain some of the practices and service delivery that we are utilizing during the current environment. Mr. Burroughs stated that although the agency cannot predict what will happen in the future, we realize that our work must continue to evolve in order to further move the needle. In that vein, we realize that we have picked the low hanging fruit with respect to downstream materials management, and the two-year priority setting process provides the opportunity to be innovative and creative and to work upstream to reduce the amount of materials entering the landfill as well as achieve clean energy solutions. Mr. Burroughs added that some of our objectives are already integrated into our projects, e.g. multi-family and community outreach projects foster engagement with the community and also provide the opportunity to integrate equity into our operations and programs. Board member Hannon asked that going forward the agency consider how we may assist and provide guidance to the local communities in the areas of homelessness and illegal dumping.

There were no public comments on this item. President Cox thanked staff for a very productive discussion and presentation.

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

(Planning Committee and Recycling Board meetings, October 8, 2020 at 4:00 p.m. Meeting will be held via teleconference).

There were no requests for an interim appointment.

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

Ms. Sommer announced the monthly topic brief [“Recycling Plan Update - September 2020.”](#) Ms. Sommer stated that the item will be presented to the Alameda County Transportation and Planning Committee and thanked Supervisor Haggerty for facilitating this opportunity. President Cox thanked staff for including the TAG (Technical Advisory Group) minutes in the agenda packet.

**The meeting adjourned to closed session at 4:14 p.m. and returned to open session at 4:32 p.m.**

#### **VIII. CLOSED SESSION**

##### **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION – 2 cases**

Government Code Section 54956.9(d)(1)

Name of case: Waste Connections US, Inc. v. ACWMA (California Court of Appeal No. A158323; Contra Costa Superior Court No. CIVMSC18-01546)

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Name of case: Stein & Boone v. ACWMA (California Court of Appeal No. A154804; Alameda County Superior Court No. RG17858423)

There was nothing to report from the closed session.

**IX. ADJOURNMENT**

The meeting was adjourned at 4:34 p.m.