

APPROVED

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

Wednesday, October 28, 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 (President)
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
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Tim Rood, WMA, EC
City of Pleasanton	Jerry Pentin, WMA, EC
City of San Leandro	Deborah Cox, WMA (President), EC
City of Union City	Emily Duncan, 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
Rachel Balsley, Senior Program Manager
Michelle Fay, Program Manager
Arliss Dunn, Clerk of the Board
Richard Taylor, WMA Legal Counsel

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The Board adjourned to closed session at 3:10 p.m. and returned to open session at 3:49 p.m.

III. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Initiation of litigation pursuant to Section 54956.9(d)(4): (1 potential case)

There was nothing to report from the closed session.

IV. ANNOUNCEMENTS BY PRESIDENTS

There were no announcements by the Presidents.

V. 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.

VI. CONSENT CALENDAR

1. Approval of the Draft WMA & EC Minutes of September 23, 2020 (Wendy Sommer)

2. Amendment to the Alameda Countywide Integrated Waste Management Plan (CoIWMP) to provide clarification on the General Solid Waste Facility Siting Criteria, and correct some typographical errors.

Staff recommends that the WMA Board adopt the attached resolution to amend the CoIWMP (Exhibit 1) to provide clarification on the General Solid Waste Facility Siting Criteria, and correct typographical errors, as shown in Table 6-1.

Board member Pilch requested clarification for Item VI.2 regarding the revisions to the language in the tables and other changes. Ms. Sommer stated that some of the language in the tables were jumbled during the merging process and needed to be corrected. Board member Pilch asked why a 500-foot radius was added to the siting criteria for “Institutional/Public Facilities.” Emily Alvarez responded that the previous siting criteria for public and institutional facilities mentioned a buffer, but did not specify a distance. To provide clarity and consistency for both CoIWMP amendment applicants and staff, a 500-foot buffer has been specified, consistent with buffer distances cited in other siting criteria.

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 20-0. The Clerk called the roll:

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

VII. REGULAR CALENDAR

1. Reappointments to the Recycling Board – Board members Cox and Sadoff (Wendy Sommer)

Staff recommends that the Waste Management Authority Board reappoint Board members Cox and Sadoff to a two-year term on the Recycling Board ending November 13, 2022.

Wendy Sommer introduced the item. There were no public comments on this item. Board member Young made the motion to approve the staff recommendation. Board member Kalb seconded and the motion carried 20-0. The Clerk called the roll:

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

2. Mandatory Recycling Ordinance Project Update (Rachel Balsley)

This item is for information only.

Wendy Sommer stated that staff chose to present the MRO Update and the Recycling Transparency and Acceptability item together in order to demonstrate the effects that contamination has on the recycling markets. Staff is hoping to generate thoughts from the Board when considering franchise agreement negotiations. 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: [MRO-Update.pdf](#). Ms. Balsley acknowledged the MRO team members, Anna Borg, Elese Lebsack, Michelle Fay, Sarah Adamchik, Juan Sanchez, and Shasta Phillips.

Board member Hannon asked if warning letters are issued to facilities at the time of inspection. Ms. Balsley stated no; the Inspectors take notes, pictures, and explain the ordinance requirements. The information is then provided to enforcement staff for review and a decision is made at that time if a violation and enforcement letter would be the appropriate form of action. Board member Hannon commented that it is more effective to immediately inform the person of a potential violation and encouraged staff to modify the policy and allow the inspectors to present the notification of a violation. Board member Hannon asked what percentage of the 655 violations that were given were actually paid. Ms. Balsley stated that there is a delinquency rate of approximately twenty percent. Board member Hannon inquired with regard to issues in gaining access to businesses, does staff provide a form of notification to the business requesting access to perform an inspection or just simply drop-in. Ms. Balsley stated that the Inspectors drop-in and note any issues that may have prevented access to the business, e.g. hours of operation, and will revisit the business during their hours of operation. Board member Hannon applauded the agency on providing significant outreach and information on voluntary compliance to businesses but encouraged staff to ratchet up the process of enforcement for businesses that don't understand their requirements for becoming compliant. Board member Young inquired if the number of citations and fines are broken down by jurisdiction. Ms. Balsley stated yes, and the information is provided annually to member agency staff. Also, Primary Enforcement Representatives at the member agency have to sign-off on citations before they are issued, so they see them ahead of time. President Cox stated that the City of San Leandro has a community benefits district that works closely with food establishments and encouraged staff to work with these types of districts in all jurisdictions. Ms. Balsley stated that staff has worked with the Chambers of Commerce and Merchant Associations and can continue to reach out to other similar districts.

There were no public comments on this item. President Cox thanked Ms. Balsley for an informative presentation.

3. Recycling Transparency and Acceptability (Michelle Fay)

This item is for information only.

Michelle Fay provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [Recycling-Transparency.pdf](#).

Board member Pilch commended the agency on our upstream approach and inquired if there are alternatives to polycoated plastic such as biodegradable containers with compostable wax liners. Ms. Fay stated that there are BPI certified fiber based containers with compostable wax liners but they are

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primarily available for coffee cups. They have not made their way into the mainstream for milk cartons or ice cream containers. Board member Pilch inquired if there is a website available for manufacturers that are producing these items. Ms. Fay stated that colleague Kelly Schoonmaker provided a comment that [BPI's website](#) is a good place to find certified compostable plastic products. Board member Pilch stated that it is incumbent upon the Board to promote the agency's upstream efforts.

There were no public comments on this item. President Cox thanked Ms. Fay for an informative presentation.

4. 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, December 10, 2020, 7:00 p.m. Meeting will be held via teleconference).

There were no requests for an interim appointment.

VIII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Ms. Sommer informed the Board of the monthly topic brief "[Re:Source App](#)," and extended her best wishes to board members running for office or seeking for re-election. Ms. Sommer stated that staff is considering cancelling the November 12 Programs and Administration Committee meeting due to a lack of actionable items and to provide respite following the elections. President Cox extended best wishes to the members as well and reminded the Board that due to the upcoming holidays the November and December WMA meetings would be held on the third Wednesdays of the month. President Cox stated that she was pleased to inform the Board that Assemblymember Lorena Gonzalez, Assembly member Bill Quirk and 24 other assemblymembers wrote a letter to the Governor asking him to encourage stores to go back to using reusable bags as the stores were issuing single-use plastic bags.

IX. ADJOURNMENT

The meeting was adjourned at 4:50 p.m.