

APPROVED

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

Wednesday, November 14, 2018

3:00 P.M.

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

**Teleconference
Jillian Buckholz
Cal State East Bay, SA Building Room 4509
25800 Carlos Bee Boulevard
Hayward, CA 94542
510-885-3000**

I. CALL TO ORDER

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

II. ROLL CALL OF ATTENDANCE, WMA/EC/RB

City of Alameda	Jim Oddie, WMA, EC, RB
City of Albany	Peter Maass, WMA, EC, RB
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, RB
City of Fremont	Vinnie Bacon, WMA, EC
City of Hayward	Sara Lamnin, WMA, EC, RB
City of Livermore	Bob Carling, 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
Environmental Organization	John Moore, RB
Environmental Educator	Nancy Deming, RB
Recycling Materials Processing Industry	Bernie Camara, RB
Recycling Programs	Jillian Buckholz, RB (teleconference)

ABSENT:

County of Alameda	Keith Carson, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Piedmont	Tim Rood, WMA, EC, RB
City of Union City	Lorin Ellis, WMA, EC
Source Reduction Specialist	Sarah Vared, RB
Solid Waste Industry Representative	Vacant

Staff Participating:

Wendy Sommer, Executive Director
Tom Padia, Deputy Executive Director
Justin Lehrer, Senior Management Analyst
Karen Kho, Principal Program Manager
Kelly Schoonmaker, Program Manager
Miya Kitahara, Program Manager
Richard Taylor, WMA Legal Counsel
Farand Kan, County Counsel
Arliss Dunn, Clerk of the Board

Others Participating:

Mindy Craig, BluePoint Planning
Kathy Cote, City of Fremont
Roberto Munoz, City of Union City
Jason Schmelzer, Shaw/Yoder/Antwih, Inc.
Arthur Boone, Center for Recycling Research

III. ANNOUNCEMENTS BY PRESIDENTS

There were none.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

Arthur Boone provided public comment regarding the Waste Characterization Study. Mr. Boone stated that the study should have included data and information by jurisdiction, and referred to Measure D requirements for studies. Mr. Boone implied that the study did not comply with Measure D requirements. He will follow up with written comments.

V. CONSENT CALENDAR

- 1. Approval of the Draft WMA/EC Minutes of October 24, 2018 (Wendy Sommer)**
- 2. Approval of the Draft PC/RB Minutes of October 11, 2018 (Tom Padia)**
- 3. Recycling Board Attendance Record (Tom Padia)**
- 4. Written Report of Ex Parte Communications (Tom Padia)**
- 5. Mandatory Recycling - City of Oakland Funding for Increased Enforcement (Rachel Balsley)**
That the WMA Board accept funding from the City of Oakland in the amount of \$100,000 for increased Mandatory Recycling Ordinance enforcement.

There were no public comments for the Consent Calendar. Board member Young made the motion to approve the Consent Calendar. Board member Worthington seconded and the motion carried:

WMA/EC Vote - 11-0:

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

RB Vote - 7-0:

(Ayes: Buckholz, Camara, Deming, Lamnin, Maass, Moore, Oddie. Nays: None. Abstained: None. Absent: Martinez, Rood, Vared)

VI. REGULAR CALENDAR

- 1. 2018 Priority Setting (Wendy Sommer & Justin Lehrer)**
This item is for information only.

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Wendy Sommer provided an introduction to the priority setting discussion by expounding on the various usages and characterization of the word “waste.” Ms. Sommer recognized the Strategic Planning Team, Justin Lehrer, Karen Kho, Jeff Becerra, Anu Natarajan, and Meghan Starkey. Ms. Sommer introduced Mindy Craig, BluePoint Planning. Ms. Craig conducted an interactive exercise with the Board and reviewed and discussed the results. Justin Lehrer provided an overview of the staff report and presented a PowerPoint presentation. A link to the staff report and the presentation is available [here](#).

Ms. Craig conducted an exercise where Board members were asked to provide their responses via text to the following items:

1. What is the most essential service that StopWaste provides?

Responses in ranking order:

1. Public Education and Outreach
2. Ordinances and Enforcement
3. Tie – Technical Assistance, and Grants and Financial Assistance

2. What are the most important issues that StopWaste is looking at?

1. Toxicity
2. Plastic Pollution - #1
3. Climate Change
4. Limited Markets
5. Apathy
6. Contamination - #2
7. Packaging
8. Organics to Landfill - #3
9. Compost Market
10. C&D
11. Outreach
12. Unsustainable Consumption - #3
13. Wasted Food

3. In ONE Word, what is the most important trend impacting StopWaste?

Responses:

Plastics
Contamination
Packaging
Apathy
China Sword
SB 1383
Sacramento

Mr. Lehrer shared with the results of the same questions that were provided to several stakeholders (see link above).

Board member Buckholz inquired about the intention of the black circles around the dots on Slide 14. Mr. Lehrer stated that the black circles represented the top choice of the stakeholder group. Board member Carling stated that he was surprised that certain stakeholders’ top choice was climate change. Ms. Kho stated that over the years we have helped the member agencies by providing templates for climate action plans. Over time, the climate action plans have become the key driver for how jurisdictions prioritize the sustainability issues that they are addressing. We are working with them

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on both materials and energy. Ms. Kitahara added a recent trend is to look at climate change globally as well as locally by using consumption based inventories that take the whole global emissions and break it down by the end user. This tells us how our local residents are responsible for the full supply chain of the things that we are using. Ms. Kitahara added food and goods comprise of about 40% of the total emissions instead of the 5% that is conventionally seen. Board member Lamnin suggested adding the word “prevention” to the proposed “Sustainability Linked to Waste” principle. Board member Martinez inquired with respect to SB 1383 and the percentages of pollutants such as methane in greenhouse gasses. Ms. Schoonmaker stated that she is not sure about the percentage of methane but it is a big factor in short lived pollutants.

Board member Bacon commented with respect to ordinances that he brought a referral on plastic straws to the Fremont City Council and Fremont staff stated that they were waiting to see what Alameda County and StopWaste were doing with regard to a straw ordinance. Board member Bacon inquired if staff is proposing that jurisdictions act on their own as Fremont was hoping for a countywide approach. Ms. Sommer stated this is an important policy issue that the Board must address with respect to countywide initiatives, i.e. is StopWaste a resource agency or enforcement regulatory agency with an enforcement unit. Board member Oddie stated that some of our most successful initiatives have been through the ordinances that we have adopted, e.g. the plastic bag ban, and we should continue to be an incubator for issues that are lagging at the state level. Board member Oddie added we should continue to be a resource for member agencies through model ordinances. Board member Cox concurred with Board member Oddie and added the agency should be looking at how we can affect the influx of packaging with the new food delivery sector and Amazon, etc. Board member Kalb stated that he would like to utilize the metric most effective for accomplishing our goal and introducing ordinances with an opt-out for jurisdictions have been effective. Board member Kalb added that the agency should address the single-use packaging issue countywide and drive what happens at the state level. Board member Martinez stated that she agrees that we are a leader in the state but has concerns about expanding the enforcement responsibilities of the agency and the budgetary implications. Board member Martinez stated that we cannot recycle our way out of the problems and added the agency should sponsor legislation for packaging and Extended Producer Responsibility as well as continue to create model policies for member agencies for countywide alignment. Board member Maass inquired if the agency can provide enforcement that would be financially neutral by levying fines or getting contracts from the state. Mr. Taylor stated the agency is subject to the same restrictions as are member agencies with respect to generating revenue through levying fines. The agency is allowed under Prop 218 and Prop 26 to create a regulatory program and charge fees in some instances but those programs are very costly and will invite pushback from the regulated community. Ms. Sommer added the MRO program cost \$1.5 million annually and is one of the largest programs in the agency.

Board member Lamnin stated that we should go beyond straws and explore creating model policies on single use plastics, and we need to consider that we may need to shift other programs. Ms. Sommer added, she would encourage Board members to discuss this issue with their respective jurisdictions to see if they would be willing to contribute with respect to enforcement costs. President Sadoff stated that he does not support the agency not being nimble and able to act on potential issues but any proposed initiatives would require a rigorous cost benefit analysis. President Sadoff inquired regarding complaint based enforcement for mandatory ordinances. Ms. Sommer stated that the enforcement for the plastic bag ordinance is complaint based and the annual budget is approximately \$250,000. Board member Pentin stated, like the reusable bag legislation, staff should find programs that can address packaging with regard to Amazon and UPS that we can spearhead through legislation. Board member Pentin added with respect to mandatory, he agrees with Board member Kalb that an ordinance with an opt-out provision for jurisdictions has been effective. Board member Oddie stated he would like more flexibility with respect to ordinances. Board member Carling stated that he would like to see a pilot

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program that addresses food and meal delivery packaging. Mr. Lehrer stated that the meal delivery issue also connects back to SB 1383 and staff considers it an opportunity to address edible food recovery. Board member Deming stated that Amazon announced that they are giving \$10 million to Closed Loop Fund to help them with recycling.

Kathy Cote, City of Fremont, provided public comment. Ms. Cote offered three items for consideration with regard to the guiding principles. The first item relates to ordinances. With respect to mandatory ordinances, it would be extremely helpful to member agencies with regard to implementation and enforcement to have a consistent countywide approach. The second item for consideration, if StopWaste is not able to do a mandatory ordinance for single-use plastic ware, then a model ordinance or ordinance with an opt-out provision would be helpful. With respect to budgetary issues, member agencies could contribute to enforcement, outreach, and technical assistance costs. The third item for consideration is expanding the guiding principles to add the concept of prioritizing efforts that leverage and enhance what jurisdictions are able to do on their own.

Board member Kalb stated that model ordinances are fine but they don't send a strong message to the state and if the agency decides to do legislation around single-use plastic ware it should be mandatory. Ms. Sommer asked for a general sense of members that would opt-out of the ordinance. The members stated that they would need to see what is contained in the ordinance.

Jason Schmelzer, stated that local ordinances soften the opposition and create leverage for the lobbyist at the state level. He cited the Alameda County pharmaceutical take-back legislation that began at the local level and became state law.

Roberto Munoz, City of Union City, provided public comment on existing straw bans. Mr. Munoz stated that the legislation does not ban plastic straws but allows straws upon request. He added his city council encouraged him to attend the Board meeting to assess what StopWaste is planning to do countywide with regard to plastic straws and single-use plastic ware. Mr. Munoz credited the MRO and plastic bag ordinances for their effectiveness.

Board member Young stated that she appreciated the discussion but cautioned that the agency is not able to enforce all of the issues that were discussed and suggested that the agency revisit the language in Measure D and evaluate who we are. Board member Lamnin recommended that we invite the stakeholders in developing our guiding principles. Ms. Sommer stated that staff will come back to the Board at the December WMA meeting with language for the guiding principles. President Sadoff thanked staff for the presentation and discussion.

2. 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, December 13, 2018 at 4:00 p.m., StopWaste Offices, 1537 Webster Street, Oakland, CA, 94612)

The start time for the meeting was incorrectly noticed. The correct start time is 7:00 p.m. There were no requests for an interim appointment.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Ms. Sommer acknowledged Board member Maass and Board member Rood (absent) for their service on the Recycling Board and presented Board member Maass with a recycled content gift.

VIII. ADJOURNMENT

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