

DRAFT

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

Wednesday, January 27, 2021

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	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 (President)
City of Fremont	Jenny Kassin, WMA, EC
City of Emeryville	Dianne Martinez, 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 Pleasanton	Jack Balch, WMA, EC
City of Piedmont	Jen Cavanaugh, WMA, EC
City of San Leandro	Deborah Cox, WMA (President), EC
City of Union City	Jaime Patiño, 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
Karen Kho, Principal Program Manager
Jennifer Luong, Financial Services Manager
Kelly Schoonmaker, Program Manager
Arliss Dunn, Clerk of the Board
Richard Taylor, WMA Legal Counsel

Others Participating:

Jennifer Berg, BayREN

III. ANNOUNCEMENTS BY PRESIDENTS

President Cox welcomed the new board members: Jack Balch, Pleasanton; Jen Cavanaugh, Piedmont; David Haubert, County of Alameda; Preston Jordan, Albany; Jaime Patiño, Union City; Trish Herrera Spencer, Alameda.

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 December 16, 2020 (Wendy Sommer)

2. Annual Audit for Fiscal Year 2019-20 (Pat Cabrera & Jennifer Luong)

That the WMA Board and Energy Council review, accept and file the Fiscal Year 2019-20 Annual Audit.

There were no public comments for the Consent Calendar. Board member Sadoff made the motion to approve the Consent Calendar. Board member Wengraf seconded and the motion carried as follows: The Clerk called the roll:

Minutes 13-0-7.

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

Annual Audit 20-0.

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

VI. REGULAR CALENDAR

1. Support for Assembly Joint Resolution No. 4 (Jeff Becerra)

That the Waste Management Authority Board adopt a 'support' position for Assembly Joint Resolution No. 4 that would urge the Biden Administration to ratify the Basel Convention resolution.

Jeff Becerra provided an overview of the staff report. A link to the report is available here: [Support-Assembly-Resolution-No.4.pdf](#)

Board member Zermeño inquired about the timeline for consideration by the California Assembly. Mr. Becerra stated that we do not have a set date but within the coming months and if we wait until March to bring the item before the Board it could be too late. Board member Hannon noted that the resolution was created in 1989 and inquired as to why it has never been adopted. Mr. Becerra stated that there is no compelling reason as to why it has not been adopted and added this is a new era with more focus on how materials are disposed once they leave the U.S. Board member Hannon stated that California is a significant violator of sending plastics to countries for improper disposal and inquired about any efforts at the state level to minimize the shipment and improper disposal of plastics, and recommended that we encourage the state assembly to ensure that any entity that is shipping materials to other countries is employing proper methods of disposal. Mr. Becerra stated that he is unaware of any legislative efforts at the state level on this issue but the focus on the issue should increase with recommendations from the Statewide Recycling Commission.

There were no public comments for this item. Board member Wengraf made the motion to approve the staff recommendation. 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.)

2. SB 1383 Procurement Requirements (Kelly Schoonmaker)

This item is for information only.

Kelly Schoonmaker provided an overview of the staff report and presented and a PowerPoint presentation. A link to the report and the presentation is available here: [SB-1383-Procurement-Requirements.pdf](#)

Board member Martinez commented with regard to procurement of renewable gas that their (City of Emeryville) waste hauler, Waste Management, utilizes natural gas from their landfill and inquired if that would contribute to the requirement for their city. Ms. Schoonmaker stated no, because the feedstock has to be diverted from landfill. Board member Jordan inquired if SB 1383 is an unfunded mandate from the state. Ms. Schoonmaker replied, yes it is. Board member Jordan asked if a jurisdiction enters into agreement with a broker and subsidizes compost and agriculture usage is it considered a pro-rated or 100% credit. Ms. Schoonmaker stated that this is unclear. In their FAQ, CalRecycle has said that contracting a direct service provider or broker to sell compost would not meet the intent of the regulations, which would mean that a jurisdiction could take credit for only the amount paid for by that jurisdiction. However, the regulations do not explicitly provide that the direct service provider give away or use compost, nor do they require that only new markets for new compost be eligible, which would mean that a jurisdiction could contract or direct a broker to sell compost at their behest and take credit for the full amount sold regardless of the amount of discount. Board member Carling stated that the City of Livermore has significant acres of vineyards that are outside of the city limits and inquired if they would count towards procurement credit. Ms. Schoonmaker stated that the only requirement to receive the procurement credit is usage in the State of California. Board member Kalb inquired about the level of assistance that StopWaste will provide to cities to help them comply with SB 1383. Ms. Schoonmaker stated that StopWaste will be providing technical assistance to all member agencies and advocating for all member agencies with CalRecycle. StopWaste will not procure compost for the member agencies but will research cost effective solutions and potentially act as an aggregator to pool funding to get economy of scale. Mr. Burroughs stated that although the focus today is on procurement, staff will be bringing a more detailed item to the board in February that will outline how we plan to assist the member agencies in complying with the other regulations and requirements of SB 1383. Board member Hannon suggested that when StopWaste meets with the individual city to please invite the board member from that city. President Cox asked that the city manager and mayor are also invited to attend. Board member Hannon expressed concern about not having enough available compost and mulch countywide when the legislation becomes effective in 2022 and inquired about any plans to address this issue. Ms. Schoonmaker stated that this issue is more of a concern for Southern California; however, we are in discussion with CalRecycle about this potential challenge in meeting procurement requirements. Board member Balch inquired about how the number of residents is calculated. Ms. Schoonmaker stated that she would provide the exact source from the state and they are updated every five years.

There were no public comment for this item. President Cox asked that StopWaste work with all member agencies to collaborate and facilitate the procurement of compost with regard to East Bay Regional Parks. Ms. Schoonmaker stated that StopWaste will lead in that effort if East Bay Regional Parks is the source when procuring the compost. President Cox thanked staff for a very thorough and informative presentation and commended agency staff on their efforts in working with member agencies.

3. BayREN Partnership Update (Karen Kho)

This item is for information only.

Karen Kho provided an overview of the staff report and introduced Jennifer Berg, BayREN. Ms. Kho and Ms. Berg presented a PowerPoint presentation. A link to the report and the presentation is available here: [BayREN-Update-01-27-21.pdf](#)

Board member Jordan stated that the voters in the City of Albany recently passed a utility tax increase for climate protection and adaptation to reduce pollution and inquired if there would be interest from BayREN or other jurisdictions to collaborate on a pilot program or other project that could be scaled countywide. Ms. Berg stated that these are the types of programs that the CPUC directs BayREN to pursue and she would be happy to discuss it further. Board member Hannon inquired if BayREN has reached out to the Housing Authorities to partner with them. Ms. Kho replied yes, we have reached out to housing agencies across the county and have provided technical assistance to them through the former green building program. Board member Zermeño inquired if BayREN's funding has been impacted by any financial issues regarding PG&E. Ms. Berg stated that BayREN is funded by utility ratepayer funds through the California Public Utilities Commission and not funded through PG&E. There were no public comments for this item. President Cox thanked Ms. Kho and Ms. Berg for the presentation.

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

(Planning Committee and Recycling Board meeting, February 11, 2021, 7:00 p.m. Meeting will be held via teleconference).

There were no requests for an interim appointment.

5. BayREN 2020-22 Contract Amendment #2 (Karen Kho) (EC only)

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.

Karen Kho provided an overview of the staff report. A link to the report is available here: [BayREN-2020-22-Contract-Amendment.pdf](#)

Board member Kalb asked that staff continue to coordinate and work with East Bay Community Energy (EBCE) staff in this effort. Board member Jordan inquired about how the funding is allocated per contract year. Ms. Kho stated that in attachment B of the staff report, the column for 2020 is updated to reflect the total amount actually expended during the just completed calendar year, and the column for 2021 indicates the starting amount for January of 2021. Staff will likely come back to the board with a budget amendment later this year. Board member Hannon asked that staff reach out to the City of Alameda, Oakland, and Alameda County housing authorities to offer more quality efficiencies that may exist. Ms. Kho stated staff would reach out to those entities. There were no public comments on this item.

Board member Kalb made the motion to approve the staff recommendation. 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, Kassar, Martinez, Patiño, Spencer, Wengraf, Zermeño. Nays: None. Abstained: None. Absent: None.)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

There were none.

The Board adjourned to closed session at 4:28 p.m.

VIII. CLOSED SESSION (WMA only)
PUBLIC EMPLOYMENT
(Pursuant to Government Code Section 54957)
Title: Executive Director

There were no reportable actions from the closed session.

IX. ADJOURNMENT

The meeting was adjourned at 5:20 p.m.