

DATE: October 13, 2016
TO: Recycling Board
FROM: Wendy Sommer, Executive Director
SUBJECT: Written Reports of Ex Parte Communications

BACKGROUND

Section 64.130 (Q)(1)(b) of the Alameda County Charter requires that full written disclosure of ex parte communications be entered in the Recycling Board's official record. At the June 19, 1991 meeting of the Recycling Board, the Board approved the recommendation of Legal Counsel that such reports be placed on the consent calendar as a way of entering them into the Board's official record. The Board at that time also requested that staff develop a standard form for the reporting of such communications. A standard form for the reporting of ex parte communications has since been developed and distributed to Board members.

At the December 9, 1999 meeting of the Recycling Board, the Board adopted the following language:

Ex parte communication report forms should be submitted only for ex parte communications that are made after the matter has been put on the Recycling Board's agenda, giving as much public notice as possible.

Per the previously adopted policy, all such reports received will be placed on the consent calendar of the next regularly scheduled Recycling Board meeting.

**ALAMEDA COUNTY RECYCLING BOARD
REPORT OF EX PARTE COMMUNICATION**

Board Member Name: John Moore Date: 10/6/16

Communication Dates: 9/29-10/3/16 Place: via email

Other Parties Northern California Recycling Association Board

Topic: Stopwaste Priorities

Summary of Communication:

After the last RB Board meeting, I alerted the NCRA Board (I am a Board member) that it still had time to submit its survey response for proposed RB priorities, and encouraged the Board to make a response. Since our Board president said she had not received a copy of the survey form I sent out the Measure D committee response to the form and highlighted the seven different subject areas that had poles for relative priority. It turned out that she had received the same form from Tom Padia. In a later email message to the Board I indicated how I had answered the pole questions at the RB public meeting although I did not advocate for any position I took. I have indicated that I will not participate in NCRA's formulation of the NCRA priorities. On 10/5/16 I emailed the NCRA Board that I will not participate in any further discussion or email correspondence with NCRA about it. In reading the full text of Measure D earlier this week, I realize I may have inadvertently made an ex parte communication. My intent was to encourage participation in the Stopwaste process. I did not equate this with advocating for a client before the RB. I did not realize the definition of ex parte communication was as broad as it is until I read it so am making this report as required..

Comments/Conclusion by Board Member:

I made an inadvertent violation with an intent to encourage public participation in a Stopwaste process, not to advocate for a position in a matter before the RB.


Signature