



**DATE:** June 26, 2019

**TO:** Waste Management Authority Board

**FROM:** Pat Cabrera, Administrative Services Director

**SUBJECT:** Household Hazardous Waste (HHW) Fee Change and Ordinance Amendment

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## **SUMMARY**

At the June 26, 2019 WMA Board meeting, staff will recommend that the WMA Board introduce an amendment to Ordinance 2014 -1 to (a) remove the current sunset provision and (b) revise the fee adjustment methodology and set the annual fee at \$6.64 per residential unit through June 30, 2024. The ordinance would maintain the cap of \$9.55 per residential unit established in 2014. The ordinance would require a fiscal analysis every five years to determine if the fee needs to be revised (lowered or raised) for the next five years. However, the Board retains its ability to repeal the fee at any time. This change is under the purview of Proposition 218 and requires legal notification and a majority protest proceeding. Staff further recommends that the Board direct staff to prepare amendments to the HHW program Memoranda of Understandings (MOUs) with the County of Alameda and the City of Fremont reflecting the new ordinance.

## **DISCUSSION**

At the May 9, 2019 Programs and Administration Committee meeting, staff discussed the HHW program, the upcoming expiration of the MOUs with the County of Alameda and the City of Fremont (who run the HHW facilities), and the HHW fee structure. The staff memo is available at [HHW-Fee-Memo-05-09-19.pdf](#). While the terms of the current ordinance stipulates that the fee sunsets on June 30, 2024, the MOUs expire on June 30, 2020 and would need to be extended or renegotiated for operations to continue. Given the ongoing need to provide this vital service to Alameda County residents, staff believed it was prudent to address both the MOU negotiations and the sunset provision (which requires amending the ordinance) at the same time. As such, the Agency engaged the services of HF&H consultants to conduct a financial analysis of the program to help determine ongoing funding needs. At the end of the presentation, the P&A Committee

directed staff to finalize the analysis focusing on a fee of \$6.64 per year per residential unit. The final HF&F report is attached with the following conclusions:

1. Based on the best and mid-point scenarios (described on page 2 of the HF&H report) the \$6.64 fee, along with the tip fee, will be sufficient to fund the program for at least ten years (see table 1 and 2, on pages 3 and 4 of the report).
2. Based on the worst case scenario (described on page 3 of the report) the \$6.64 fee, along with the tip fee will be sufficient to fund the program for eight years (see table 3 on page 4 of the report).

Since the amended ordinance would require a fiscal analysis every five years to determine if the fee would need to be adjusted, the \$6.64 flat fee (along with the tip fee) would be sufficient to support the program under any of these scenarios. However, to ensure that staff covered every contingency, an additional funding scenario was requested of the consultant. This scenario would determine if the fee was sufficient under extreme financial constraints such as a severe recession (described on page 5 of the report). As shown on table 4 of the report (page 5), even under the “extreme” worst case scenario, there would be adequate funding for seven years. Therefore, staff is confident that a fiscal analysis conducted every five years would be a reasonable time frame to determine if any changes to the fee (lower or higher) would need to be made for the next five years, without jeopardizing the program.

As further outlined in the amended ordinance, the fee can never exceed \$9.55 per year per residential unit, which is stipulated in the current ordinance. While the current fee sunset date of June 30, 2024 would be removed, the Board would still have the ability to repeal the fee at any time. The amended ordinance would call for the next fee review to be in 2024, covering the period from the current HF&H report forward. Reports would be prepared every five years thereafter.

Even though the amended ordinance establishes a lower fee, because the sunset provision is removed, a Proposition 218 legal process is required, which includes notification to the impacted parties and a majority protest proceeding. As outlined in the attached resolution, and if approved, the public hearing on this ordinance will be held on September 25, 2019, which is when the protests would be due.

After receiving approval from the P&A Committee to move forward with the fee change and amended ordinance, staff met with the Technical Advisory Committee and contacted the Member Agencies’ City and General Managers advising them of the proposed change. No concerns have been expressed regarding this matter.

## **RECOMMENDATION**

Staff recommends that the WMA Board:

1. Introduce and waive the first reading of the attached ordinance to be considered for adoption following a public hearing and protest process in accordance with Proposition 218. The ordinance resets the annual HHW Collection and Disposal fee to \$6.64 per year per residential unit through June 30, 2024. The ordinance requires that a financial analysis be conducted by March 31, 2024 to determine what the fee should be for the following five fiscal years and to conduct similar analysis in five year intervals to determine what the fee should be at that time. While the fee can be lowered or raised during those periods, it will be capped at \$9.55 per year per residential unit per the original ordinance. The amended ordinance removes the previous sunset provision; however, the Board may repeal this fee at any time.
2. Approve the attached resolution regarding the protest proceedings required under Proposition 218.
3. Direct staff to prepare amendments to the HHW program Memoranda of Understandings (MOUs) with the County of Alameda and the City of Fremont reflecting the new ordinance to be considered following adoption of the ordinance.

### Attachments:

Attachment A: HF&F report

Attachment B: Resolution Setting the Hearing and Procedures for Notice of Proposed Amendment to HHW Collection and Disposal Fee

Attachment C: Ordinance 2019-01 Amending Ordinance 2014-01

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## MEMORANDUM

**Date:** June 12, 2019

**To:** Pat Cabrera, Administrative Services Director, Alameda County Waste Management Authority

**From:** Peter Deibler, Senior Manager; Rob Hilton, President

**Copy to:** Richard Taylor, Counsel, Waste Management Authority

**Subject:** Household Hazardous Waste Fee Modeling

### Background

The Household Hazardous Waste (HHW) program is funded by two fees, a \$2.15 per-ton fee on solid waste disposal, and a program fee (unit fee) collected primarily through the property tax roll. The per-ton disposal fee was established in 1990, while the unit fee first took effect in Fiscal Year 2014-15. During 2012 through 2014, HF&H Consultants, LLC (HF&H) assisted the Waste Management Authority (WMA) in analyzing various program service levels and options for diversifying revenues sources with a new fee, culminating in adoption of the unit fee. As provided in Ordinance 2014-1, the unit fee is set at a maximum of \$9.55 per single-family and multi-family unit per year, but is annually adjusted based primarily on actual revenues. The proposed annual fee for FY 2019-20 (pending Board approval) is \$6.64 per unit.

In late 2018, the WMA requested HF&H assistance in identifying options for modifying the unit fee to address a combination of three factors. First, the unit fee sunsets at the close of FY 2023-24. Second, the current WMA memoranda of understanding (MOUs) with the County, and the City of Fremont terminate in June 2020. Third, the HHW Fund (Fund) FY 2017-18 closing balance of approximately \$13.2 million substantially exceeded the 2013 projected balance for the close of FY 2017-18 of about \$1.8 million. The favorable fund balance reflects two factors; expenses grew more slowly than anticipated, and disposal tons and the resulting tip fee revenues have not declined as anticipated.

At the May 9<sup>th</sup> Programs and Administrative Committee meeting, the Administrative Services Director presented several options regarding the unit fee, each analyzed with three scenarios reflecting varied assumptions regarding the growth of expenses and revenues. The recommended option, approved by the Committee for presentation to the Board, answers this question:

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“Based on an annual fee of \$6.64 and the three funding and expenditure scenarios described below, how long would the HHW program maintain adequate funding to continue ongoing operations for the next 15 years?”<sup>1</sup>

The objective under the selected option is to set an ongoing annual fee of \$6.64 per unit, to spend down the fund balance while still maintain adequate reserves, and to revisit the fund balance every five years to determine if the fee needs to be adjusted up or down or be eliminated if there is sufficient funding for the program.

### Analysis

The analysis of the \$6.64 unit fee focuses on modeling the effects (from a fiscal perspective) of assumptions for “best case”, “midpoint”, and “worst case” scenarios as described below. The scenarios each focus on the three main factors that drive the fund balance over time. Two of the factors relate to revenue, projected growth in number of Alameda County housing units and solid waste disposal tonnages.<sup>2</sup> The third factor is projected growth in expenses. While the scenarios use a 15 year planning period, through FY 2033-34, we suggest that the projections based on the assumptions outlined below are more reliable over a shorter timeframe such as ten years.

The three scenarios are defined as follows:

#### Best Case Scenario

1. Gradual steady tonnage decline based on current WMA projections, reaching about 830,000 tons per year in FY 2033-34.
2. A 2.0 percent annual growth in both single-family and multi-family units.
3. A 2.5 percent annual growth in total program expenses.

#### Mid-Point Scenario

1. Disposed tonnage drops to 700,000 tons in FY 29-30, and tonnages then remain constant through the planning period.
2. A 1.0 percent annual growth in both single-family and multi-family units. This rate of growth matches recent regional projections.<sup>3</sup>
3. A 3.5 percent annual growth in total program expenses.

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<sup>1</sup> “Household Hazardous Waste (HHW) Fee”, Programs and Administrative Committee, May 9, 2019, page 8.

<sup>2</sup> There are several small additional streams of revenue, including small business fees and interest on the Fund. Together, these represent about three percent of total annual revenue. These revenues are not treated as variables in analyzing the scenarios.

<sup>3</sup> “Plan Bay Area 2040 – Final Supplemental Report”, Metropolitan Transportation Commission and Association of Bay Area Governments, July 2017, page 32.

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### Worst Case Scenario

1. Disposal tonnages meet Agency's waste reduction goals such that 540,000 tons are disposed in FY 29-30, and tonnages then remain constant through the planning period.
2. No annual growth in single-family or multi-family units.
3. A 5.0 percent annual growth in total program expenses.

Tables 1, 2 and 3 present the fiscal results for each scenario. Bolded rows show fiscal status at five year intervals, corresponding to the points at which the WMA will confirm whether the \$6.64 fee should remain as is or be adjusted. The Best Case and Midpoint scenarios provide a positive fund balance through at least ten years, and for the Worst Case the fund balance is still positive in the eighth year (FY 2026-27).

**Table 1 Best Case Scenario**

Fiscal Year	Opening Fund Balance	Total Revenue	Total Expenses	Closing Fund Balance
FY 2019-20	\$14,811,667	\$6,863,276	\$6,486,919	\$15,188,024
FY 2020-21	\$15,188,024	\$6,889,271	\$6,534,099	\$15,543,196
FY 2021-22	\$15,543,196	\$6,917,558	\$6,697,107	\$15,763,647
FY 2022-23	\$15,763,647	\$6,947,805	\$6,864,183	\$15,847,269
<b>FY 2023-24</b>	<b>\$15,847,269</b>	<b>\$6,957,513</b>	<b>\$7,035,428</b>	<b>\$15,769,353</b>
FY 2024-25	\$15,769,353	\$6,970,179	\$7,210,948	\$15,528,584
FY 2025-26	\$15,528,584	\$6,985,768	\$7,390,848	\$15,123,503
FY 2026-27	\$15,123,503	\$7,004,239	\$7,575,239	\$14,552,503
FY 2027-28	\$14,552,503	\$7,025,544	\$7,764,231	\$13,813,816
<b>FY 2028-29</b>	<b>\$13,813,816</b>	<b>\$7,049,659</b>	<b>\$7,957,941</b>	<b>\$12,905,533</b>
FY 2029-30	\$12,905,533	\$7,076,544	\$8,156,485	\$11,825,592
FY 2030-31	\$11,825,592	\$7,106,162	\$8,359,985	\$10,571,769
FY 2031-32	\$10,571,769	\$7,138,484	\$8,568,564	\$9,141,688
FY 2032-33	\$9,141,688	\$7,173,480	\$8,782,350	\$7,532,819
<b>FY 2033-34</b>	<b>\$7,532,819</b>	<b>\$7,211,122</b>	<b>\$9,001,471</b>	<b>\$5,742,470</b>
FY 2034-35	\$5,742,470	\$7,251,381	\$9,226,062	\$3,767,789

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**Table 2 Midpoint Scenario**

Fiscal Year	Opening Fund Balance	Total Revenue	Total Expenses	Closing Fund Balance
FY 2019-20	\$14,811,667	\$6,824,074	\$6,514,131	\$15,121,610
FY 2020-21	\$15,121,610	\$6,718,138	\$6,620,201	\$15,219,547
FY 2021-22	\$15,219,547	\$6,619,064	\$6,850,217	\$14,988,394
FY 2022-23	\$14,988,394	\$6,526,056	\$7,088,266	\$14,426,184
<b>FY 2023-24</b>	<b>\$14,426,184</b>	<b>\$6,438,678</b>	<b>\$7,334,631</b>	<b>\$13,530,231</b>
FY 2024-25	\$13,530,231	\$6,356,521	\$7,589,601	\$12,297,151
FY 2025-26	\$12,297,151	\$6,279,198	\$7,853,477	\$10,722,871
FY 2026-27	\$10,722,871	\$6,206,321	\$8,126,572	\$8,802,621
FY 2027-28	\$8,802,621	\$6,137,530	\$8,409,207	\$6,530,944
<b>FY 2028-29</b>	<b>\$6,530,944</b>	<b>\$6,072,480</b>	<b>\$8,701,716</b>	<b>\$3,901,708</b>
FY 2029-30	\$3,901,708	\$6,010,831	\$9,004,445	\$908,093
FY 2030-31	\$908,093	\$6,039,963	\$9,317,752	(\$2,369,696)
FY 2031-32	(\$2,369,696)	\$6,083,913	\$9,642,005	(\$5,927,788)
FY 2032-33	(\$5,927,788)	\$6,128,301	\$9,977,589	(\$9,777,075)
<b>FY 2033-34</b>	<b>(\$9,777,075)</b>	<b>\$6,173,135</b>	<b>\$10,324,899</b>	<b>(\$13,928,839)</b>
FY 2034-35	(\$13,928,839)	\$6,218,420	\$10,684,346	(\$18,394,766)

**Table 3 Worst Case Scenario**

Fiscal Year	Opening Fund Balance	Total Revenue	Total Expenses	Closing Fund Balance
FY 2019-20	\$14,811,667	\$6,784,830	\$6,555,281	\$15,041,216
FY 2020-21	\$15,041,216	\$6,574,171	\$6,751,084	\$14,864,302
FY 2021-22	\$14,864,302	\$6,377,445	\$7,085,323	\$14,156,424
FY 2022-23	\$14,156,424	\$6,192,939	\$7,436,274	\$12,913,089
<b>FY 2023-24</b>	<b>\$12,913,089</b>	<b>\$6,019,396</b>	<b>\$7,804,772</b>	<b>\$11,127,712</b>
FY 2024-25	\$11,127,712	\$5,855,644	\$8,191,696	\$8,791,660
FY 2025-26	\$8,791,660	\$5,700,588	\$8,597,965	\$5,894,283
FY 2026-27	\$5,894,283	\$5,553,205	\$9,024,548	\$2,422,940
FY 2027-28	\$2,422,940	\$5,412,534	\$9,472,461	(\$1,636,987)
<b>FY 2028-29</b>	<b>(\$1,636,987)</b>	<b>\$5,301,419</b>	<b>\$9,942,768</b>	<b>(\$6,278,337)</b>
FY 2029-30	(\$6,278,337)	\$5,201,290	\$10,436,592	(\$11,513,639)
FY 2030-31	(\$11,513,639)	\$5,201,290	\$10,955,106	(\$17,267,455)
FY 2031-32	(\$17,267,455)	\$5,201,290	\$11,499,546	(\$23,565,712)
FY 2032-33	(\$23,565,712)	\$5,201,290	\$12,071,208	(\$30,435,630)
<b>FY 2033-34</b>	<b>(\$30,435,630)</b>	<b>\$5,201,290</b>	<b>\$12,671,453</b>	<b>(\$37,905,794)</b>
FY 2034-35	(\$37,905,794)	\$5,201,290	\$13,301,711	(\$46,006,215)

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HF&H also analyzed an “extreme worst case”, such as might occur with a severe recession. This scenario, shown in Table 4 below, features sharp revenue decreases resulting from a drop in disposal to 540,000 tons per year beginning in FY 2020-21 and a 2.0 percent annual decrease in housing units. Expense growth was assumed to remain at 5 percent, since there are opportunities to reduce costs at the margin should it prove necessary. Even in this case, the fund balance is positive through the seventh year (FY 2025-26).

**Table 4 Extreme Worst Case Scenario**

Fiscal Year	Opening Fund Balance	Total Revenue	Total Expenses	Closing Fund Balance
FY 2019-20	\$14,628,754	\$6,917,048	\$6,553,955	\$14,991,847
FY 2020-21	\$14,991,847	\$6,630,415	\$6,748,458	\$14,873,804
FY 2021-22	\$14,873,804	\$5,054,838	\$7,081,424	\$12,847,218
FY 2022-23	\$12,847,218	\$4,967,991	\$7,431,127	\$10,384,082
<b>FY 2023-24</b>	<b>\$10,384,082</b>	<b>\$4,879,943</b>	<b>\$7,798,402</b>	<b>\$7,465,624</b>
FY 2024-25	\$7,465,624	\$4,790,554	\$8,184,127	\$4,072,051
FY 2025-26	\$4,072,051	\$4,699,674	\$8,589,222	\$182,503
FY 2026-27	\$182,503	\$4,619,227	\$9,014,653	(\$4,212,923)
FY 2027-28	(\$4,212,923)	\$4,552,860	\$9,461,437	(\$9,121,500)
<b>FY 2028-29</b>	<b>(\$9,121,500)</b>	<b>\$4,487,828</b>	<b>\$9,930,640</b>	<b>(\$14,564,312)</b>
FY 2029-30	(\$14,564,312)	\$4,424,091	\$10,423,379	(\$20,563,600)
FY 2030-31	(\$20,563,600)	\$4,361,635	\$10,940,832	(\$27,142,797)
FY 2031-32	(\$27,142,797)	\$4,300,421	\$11,484,231	(\$34,326,607)
FY 2032-33	(\$34,326,607)	\$4,240,428	\$12,054,873	(\$42,141,052)
<b>FY 2033-34</b>	<b>(\$42,141,052)</b>	<b>\$4,181,638</b>	<b>\$12,654,119</b>	<b>(\$50,613,533)</b>
FY 2034-35	(\$50,613,533)	\$4,124,029	\$13,283,397	(\$59,772,901)

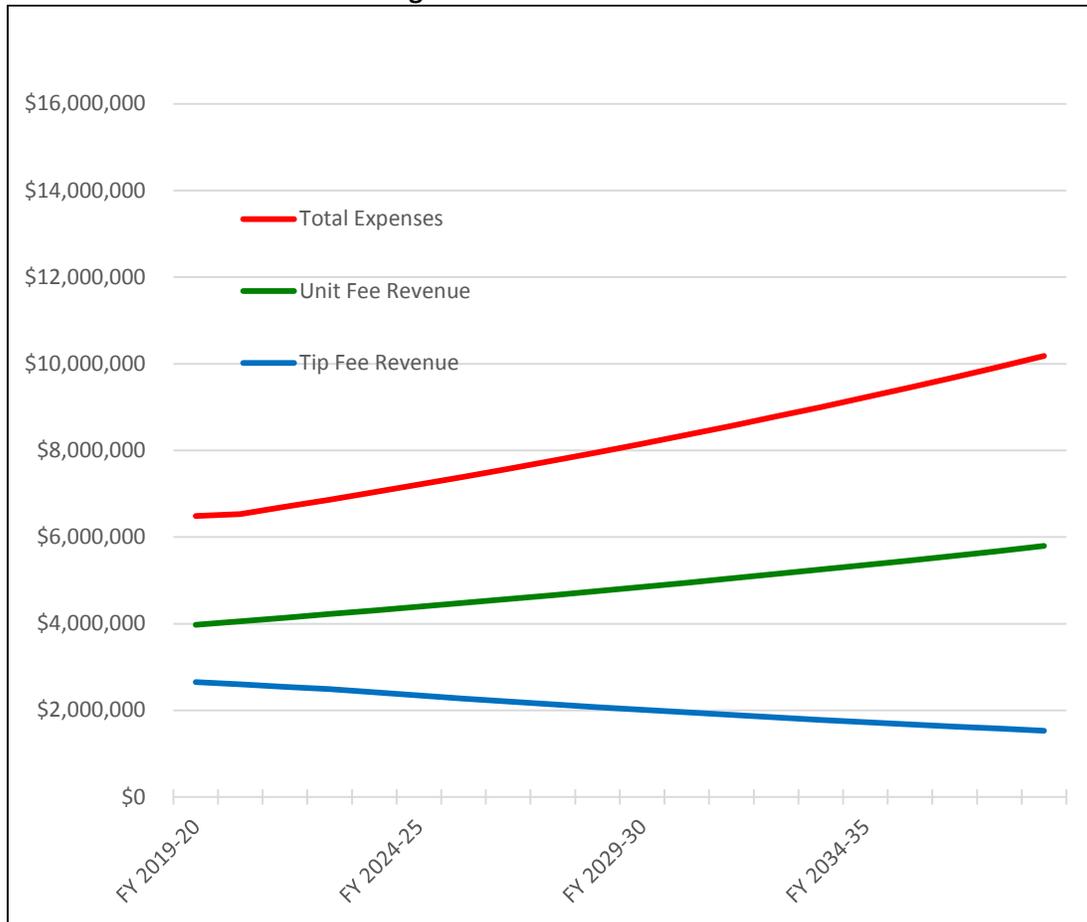
In general, the relatively higher tonnages and growth in the number of units for the Best Case and Midpoint scenarios result in relatively greater tip fee and unit fee revenues, respectively. Conversely, the Best Case and Midpoint scenarios provide for lower relative growth in expenses. Figures 1 through 4 graphically illustrate the relationship of the three factors for each of the scenarios.<sup>4</sup>

<sup>4</sup> Figures 1 through 4 exclude the minor amount of “other revenue”.

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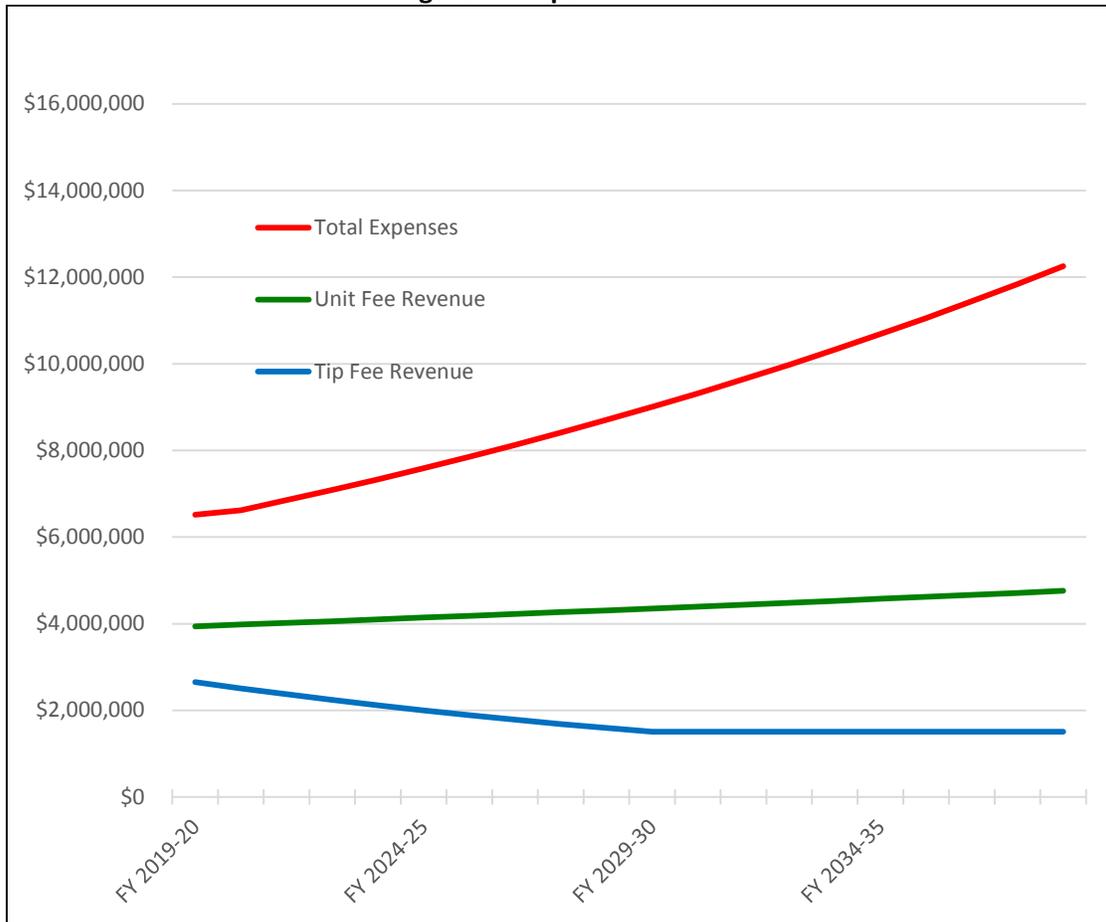
Figure 1 Best Case Scenario



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Figure 2 Midpoint Scenario



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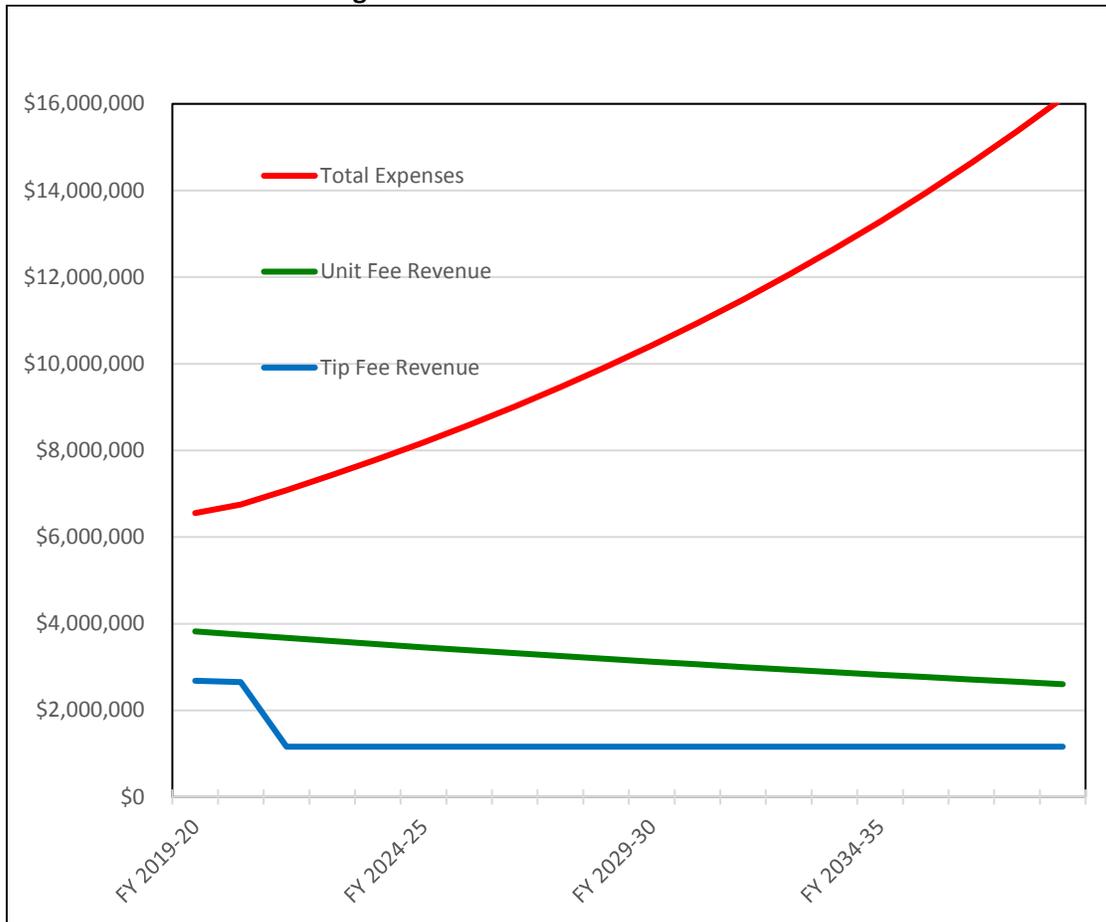
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Figure 3 Worst Case Scenario



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Figure 4 Extreme Worst Case Scenario



**Additional Information**

Attachment 1 provides additional expense and revenue detail to that shown in Tables 1 through 4 for the four scenarios. There are three projected streams of revenue, with “other revenue” in addition to the unit fee and tip fee revenues. Expenses include the County and Fremont programs, the Agency’s oversight budget (including additional one-time expenses for FY 2019-20 related to developing the amended fee ordinance. The Attachment 1 tables begin with projected final data for 2018-19, and continue revenue and expense projections through FY 2038-39.

# ATTACHMENT 1: ADDITIONAL INFORMATION

## Best Case Scenario

Fiscal Year	Opening Fund Balance	Revenues				Expenses					Net Revenue	Interest on Fund Balance	Closing Fund Balance
		Unit Fee Revenue	Tip Fee Revenue	Other Revenue	Total Revenue	County Expenses	Fremont Expenses	Agency Expenses	County Assessor's Fee	Total Expenses			
FY 2018-19	\$13,244,189	\$4,346,708	\$2,866,169	\$140,000	\$7,352,878	\$4,385,022	\$983,067	\$432,237	\$73,894	\$5,874,219	\$1,478,658	\$88,820	\$14,811,667
FY 2019-20	\$14,811,667	\$3,978,296	\$2,655,250	\$140,000	\$6,773,546	\$4,774,206	\$1,085,419	\$559,663	\$67,631	\$6,486,919	\$286,627	\$89,730	\$15,188,024
FY 2020-21	\$15,188,024	\$4,057,863	\$2,599,490	\$140,000	\$6,797,353	\$4,893,561	\$1,112,554	\$459,000	\$68,984	\$6,534,099	\$263,254	\$91,918	\$15,543,196
FY 2021-22	\$15,543,196	\$4,139,017	\$2,544,900	\$140,000	\$6,823,918	\$5,015,900	\$1,140,368	\$470,475	\$70,363	\$6,697,107	\$126,811	\$93,640	\$15,763,647
FY 2022-23	\$15,763,647	\$4,221,798	\$2,491,458	\$140,000	\$6,853,256	\$5,141,298	\$1,168,877	\$482,237	\$71,771	\$6,864,183	(\$10,927)	\$94,549	\$15,847,269
FY 2023-24	\$15,847,269	\$4,306,233	\$2,416,714	\$140,000	\$6,862,946	\$5,269,830	\$1,198,099	\$494,293	\$73,206	\$7,035,428	(\$172,482)	\$94,566	\$15,769,353
FY 2024-25	\$15,769,353	\$4,392,353	\$2,344,212	\$140,000	\$6,876,566	\$5,401,576	\$1,228,052	\$506,650	\$74,670	\$7,210,948	(\$334,382)	\$93,613	\$15,528,584
FY 2025-26	\$15,528,584	\$4,480,201	\$2,273,886	\$140,000	\$6,894,087	\$5,536,616	\$1,258,753	\$519,316	\$76,163	\$7,390,848	(\$496,762)	\$91,681	\$15,123,503
FY 2026-27	\$15,123,503	\$4,569,807	\$2,205,669	\$140,000	\$6,915,477	\$5,675,031	\$1,290,222	\$532,299	\$77,687	\$7,575,239	(\$659,762)	\$88,762	\$14,552,503
FY 2027-28	\$14,552,503	\$4,661,200	\$2,139,499	\$140,000	\$6,940,700	\$5,816,907	\$1,322,477	\$545,607	\$79,240	\$7,764,231	(\$823,532)	\$84,844	\$13,813,816
FY 2028-29	\$13,813,816	\$4,754,426	\$2,075,314	\$140,000	\$6,969,740	\$5,962,329	\$1,355,539	\$559,247	\$80,825	\$7,957,941	(\$988,201)	\$79,918	\$12,905,533
FY 2029-30	\$12,905,533	\$4,849,517	\$2,013,055	\$140,000	\$7,002,572	\$6,111,388	\$1,389,428	\$573,228	\$82,442	\$8,156,485	(\$1,153,913)	\$73,971	\$11,825,592
FY 2030-31	\$11,825,592	\$4,946,508	\$1,952,663	\$140,000	\$7,039,171	\$6,264,172	\$1,424,163	\$587,559	\$84,091	\$8,359,985	(\$1,320,814)	\$66,991	\$10,571,769
FY 2031-32	\$10,571,769	\$5,045,437	\$1,894,083	\$140,000	\$7,079,521	\$6,420,777	\$1,459,768	\$602,248	\$85,772	\$8,568,564	(\$1,489,044)	\$58,963	\$9,141,688
FY 2032-33	\$9,141,688	\$5,146,345	\$1,837,261	\$140,000	\$7,123,606	\$6,581,296	\$1,496,262	\$617,304	\$87,488	\$8,782,350	(\$1,658,743)	\$49,874	\$7,532,819
FY 2033-34	\$7,532,819	\$5,249,272	\$1,782,143	\$140,000	\$7,171,415	\$6,745,828	\$1,533,668	\$632,737	\$89,238	\$9,001,471	(\$1,830,056)	\$39,707	\$5,742,470
FY 2034-35	\$5,742,470	\$5,354,257	\$1,728,679	\$140,000	\$7,222,936	\$6,914,474	\$1,572,010	\$648,555	\$91,022	\$9,226,062	(\$2,003,126)	\$28,445	\$3,767,789
FY 2035-36	\$3,767,789	\$5,461,340	\$1,676,818	\$140,000	\$7,278,159	\$7,087,336	\$1,611,310	\$664,769	\$92,843	\$9,456,258	(\$2,178,099)	\$16,072	\$1,605,762
FY 2036-37	\$1,605,762	\$5,570,568	\$1,626,514	\$140,000	\$7,337,082	\$7,264,519	\$1,651,593	\$681,388	\$94,700	\$9,692,200	(\$2,355,118)	\$2,569	(\$746,786)
FY 2037-38	(\$746,786)	\$5,681,981	\$1,577,718	\$140,000	\$7,399,699	\$7,446,132	\$1,692,883	\$698,423	\$96,594	\$9,934,032	(\$2,534,332)	\$0	(\$3,281,119)
FY 2038-39	(\$3,281,119)	\$5,795,618	\$1,530,387	\$140,000	\$7,466,005	\$7,632,286	\$1,735,205	\$715,883	\$98,526	\$10,181,900	(\$2,715,895)	\$0	(\$5,997,014)

# ATTACHMENT 1: ADDITIONAL INFORMATION

## Midpoint Scenario

Fiscal Year	Opening Fund Balance	Revenues				Expenses					Net Revenue	Interest on Fund Balance	Closing Fund Balance
		Unit Fee Revenue	Tip Fee Revenue	Other Revenue	Total Revenue	County Expenses	Fremont Expenses	Agency Expenses	County Assessor's Fee	Total Expenses			
FY 2018-19	\$13,244,189	\$4,346,708	\$2,866,169	\$140,000	\$7,352,878	\$4,385,022	\$983,067	\$432,237	\$73,894	\$5,874,219	\$1,478,658	\$88,820	\$14,811,667
FY 2019-20	\$14,811,667	\$3,939,293	\$2,655,250	\$140,000	\$6,734,543	\$4,802,082	\$1,085,419	\$559,663	\$66,968	\$6,514,131	\$220,411	\$89,531	\$15,121,610
FY 2020-21	\$15,121,610	\$3,978,688	\$2,508,699	\$140,000	\$6,627,387	\$4,970,155	\$1,123,408	\$459,000	\$67,638	\$6,620,201	\$7,186	\$90,751	\$15,219,547
FY 2021-22	\$15,219,547	\$4,018,475	\$2,370,236	\$140,000	\$6,528,711	\$5,144,110	\$1,162,728	\$475,065	\$68,314	\$6,850,217	(\$321,506)	\$90,353	\$14,988,394
FY 2022-23	\$14,988,394	\$4,058,660	\$2,239,416	\$140,000	\$6,438,076	\$5,324,154	\$1,203,423	\$491,692	\$68,997	\$7,088,266	(\$650,191)	\$87,980	\$14,426,184
FY 2023-24	\$14,426,184	\$4,099,244	\$2,115,816	\$140,000	\$6,355,060	\$5,510,499	\$1,245,543	\$508,902	\$69,687	\$7,334,631	(\$979,571)	\$83,618	\$13,530,231
FY 2024-25	\$13,530,231	\$4,140,233	\$1,999,038	\$140,000	\$6,279,270	\$5,703,367	\$1,289,137	\$526,713	\$70,384	\$7,589,601	(\$1,310,331)	\$77,250	\$12,297,151
FY 2025-26	\$12,297,151	\$4,181,640	\$1,888,705	\$140,000	\$6,210,344	\$5,902,984	\$1,334,257	\$545,148	\$71,088	\$7,853,477	(\$1,643,133)	\$68,854	\$10,722,871
FY 2026-27	\$10,722,871	\$4,223,458	\$1,784,461	\$140,000	\$6,147,920	\$6,109,589	\$1,380,956	\$564,228	\$71,799	\$8,126,572	(\$1,978,652)	\$58,401	\$8,802,621
FY 2027-28	\$8,802,621	\$4,265,695	\$1,685,972	\$140,000	\$6,091,667	\$6,323,425	\$1,429,289	\$583,976	\$72,517	\$8,409,207	(\$2,317,540)	\$45,863	\$6,530,944
FY 2028-29	\$6,530,944	\$4,308,357	\$1,592,918	\$140,000	\$6,041,275	\$6,544,744	\$1,479,314	\$604,415	\$73,242	\$8,701,716	(\$2,660,441)	\$31,204	\$3,901,708
FY 2029-30	\$3,901,708	\$4,351,444	\$1,505,000	\$140,000	\$5,996,444	\$6,773,810	\$1,531,090	\$625,570	\$73,975	\$9,004,445	(\$3,008,001)	\$14,386	\$908,093
FY 2030-31	\$908,093	\$4,394,963	\$1,505,000	\$140,000	\$6,039,963	\$7,010,894	\$1,584,679	\$647,465	\$74,714	\$9,317,752	(\$3,277,789)	\$0	(\$2,369,696)
FY 2031-32	(\$2,369,696)	\$4,438,913	\$1,505,000	\$140,000	\$6,083,913	\$7,256,275	\$1,640,142	\$670,126	\$75,462	\$9,642,005	(\$3,558,092)	\$0	(\$5,927,788)
FY 2032-33	(\$5,927,788)	\$4,483,301	\$1,505,000	\$140,000	\$6,128,301	\$7,510,245	\$1,697,547	\$693,581	\$76,216	\$9,977,589	(\$3,849,287)	\$0	(\$9,777,075)
FY 2033-34	(\$9,777,075)	\$4,528,135	\$1,505,000	\$140,000	\$6,173,135	\$7,773,103	\$1,756,961	\$717,856	\$76,978	\$10,324,899	(\$4,151,764)	\$0	(\$13,928,839)
FY 2034-35	(\$13,928,839)	\$4,573,420	\$1,505,000	\$140,000	\$6,218,420	\$8,045,162	\$1,818,455	\$742,981	\$77,748	\$10,684,346	(\$4,465,926)	\$0	(\$18,394,766)
FY 2035-36	(\$18,394,766)	\$4,619,156	\$1,505,000	\$140,000	\$6,264,156	\$8,326,743	\$1,882,101	\$768,985	\$78,526	\$11,056,354	(\$4,792,199)	\$0	(\$23,186,964)
FY 2036-37	(\$23,186,964)	\$4,665,344	\$1,505,000	\$140,000	\$6,310,344	\$8,618,179	\$1,947,975	\$795,900	\$79,311	\$11,441,364	(\$5,131,020)	\$0	(\$28,317,984)
FY 2037-38	(\$28,317,984)	\$4,711,996	\$1,505,000	\$140,000	\$6,356,996	\$8,919,815	\$2,016,154	\$823,756	\$80,104	\$11,839,828	(\$5,482,832)	\$0	(\$33,800,816)
FY 2038-39	(\$33,800,816)	\$4,759,114	\$1,505,000	\$140,000	\$6,404,114	\$9,232,008	\$2,086,719	\$852,588	\$80,905	\$12,252,220	(\$5,848,106)	\$0	(\$39,648,922)

# ATTACHMENT 1: ADDITIONAL INFORMATION

## Worst Case Scenario

Fiscal Year	Opening Fund Balance	Revenues				Expenses					Net Revenue	Interest on Fund Balance	Closing Fund Balance
		Unit Fee Revenue	Tip Fee Revenue	Other Revenue	Total Revenue	County Expenses	Fremont Expenses	Agency Expenses	County Assessor's Fee	Total Expenses			
FY 2018-19	\$13,244,189	\$4,346,708	\$2,866,169	\$140,000	\$7,352,878	\$4,385,022	\$983,067	\$432,237	\$73,894	\$5,874,219	\$1,478,658	\$88,820	\$14,811,667
FY 2019-20	\$14,811,667	\$3,900,290	\$2,655,250	\$140,000	\$6,695,540	\$4,843,895	\$1,085,419	\$559,663	\$66,305	\$6,555,281	\$140,258	\$89,291	\$15,041,216
FY 2020-21	\$15,041,216	\$3,900,290	\$2,444,433	\$140,000	\$6,484,722	\$5,086,090	\$1,139,690	\$459,000	\$66,305	\$6,751,084	(\$266,362)	\$89,448	\$14,864,302
FY 2021-22	\$14,864,302	\$3,900,290	\$2,250,354	\$140,000	\$6,290,643	\$5,340,394	\$1,196,674	\$481,950	\$66,305	\$7,085,323	(\$794,680)	\$86,802	\$14,156,424
FY 2022-23	\$14,156,424	\$3,900,290	\$2,071,684	\$140,000	\$6,111,973	\$5,607,414	\$1,256,508	\$506,048	\$66,305	\$7,436,274	(\$1,324,301)	\$80,966	\$12,913,089
FY 2023-24	\$12,913,089	\$3,900,290	\$1,907,200	\$140,000	\$5,947,489	\$5,887,784	\$1,319,333	\$531,350	\$66,305	\$7,804,772	(\$1,857,283)	\$71,907	\$11,127,712
FY 2024-25	\$11,127,712	\$3,900,290	\$1,755,775	\$140,000	\$5,796,064	\$6,182,174	\$1,385,300	\$557,917	\$66,305	\$8,191,696	(\$2,395,632)	\$59,579	\$8,791,660
FY 2025-26	\$8,791,660	\$3,900,290	\$1,616,373	\$140,000	\$5,656,662	\$6,491,282	\$1,454,565	\$585,813	\$66,305	\$8,597,965	(\$2,941,303)	\$43,926	\$5,894,283
FY 2026-27	\$5,894,283	\$3,900,290	\$1,488,039	\$140,000	\$5,528,328	\$6,815,846	\$1,527,293	\$615,104	\$66,305	\$9,024,548	(\$3,496,220)	\$24,877	\$2,422,940
FY 2027-28	\$2,422,940	\$3,900,290	\$1,369,894	\$140,000	\$5,410,183	\$7,156,639	\$1,603,658	\$645,859	\$66,305	\$9,472,461	(\$4,062,277)	\$2,351	(\$1,636,987)
FY 2028-29	(\$1,636,987)	\$3,900,290	\$1,261,129	\$140,000	\$5,301,419	\$7,514,471	\$1,683,841	\$678,152	\$66,305	\$9,942,768	(\$4,641,350)	\$0	(\$6,278,337)
FY 2029-30	(\$6,278,337)	\$3,900,290	\$1,161,000	\$140,000	\$5,201,290	\$7,890,194	\$1,768,033	\$712,060	\$66,305	\$10,436,592	(\$5,235,302)	\$0	(\$11,513,639)
FY 2030-31	(\$11,513,639)	\$3,900,290	\$1,161,000	\$140,000	\$5,201,290	\$8,284,704	\$1,856,434	\$747,663	\$66,305	\$10,955,106	(\$5,753,816)	\$0	(\$17,267,455)
FY 2031-32	(\$17,267,455)	\$3,900,290	\$1,161,000	\$140,000	\$5,201,290	\$8,698,939	\$1,949,256	\$785,046	\$66,305	\$11,499,546	(\$6,298,256)	\$0	(\$23,565,712)
FY 2032-33	(\$23,565,712)	\$3,900,290	\$1,161,000	\$140,000	\$5,201,290	\$9,133,886	\$2,046,719	\$824,298	\$66,305	\$12,071,208	(\$6,869,918)	\$0	(\$30,435,630)
FY 2033-34	(\$30,435,630)	\$3,900,290	\$1,161,000	\$140,000	\$5,201,290	\$9,590,580	\$2,149,055	\$865,513	\$66,305	\$12,671,453	(\$7,470,164)	\$0	(\$37,905,794)
FY 2034-35	(\$37,905,794)	\$3,900,290	\$1,161,000	\$140,000	\$5,201,290	\$10,070,109	\$2,256,508	\$908,789	\$66,305	\$13,301,711	(\$8,100,421)	\$0	(\$46,006,215)
FY 2035-36	(\$46,006,215)	\$3,900,290	\$1,161,000	\$140,000	\$5,201,290	\$10,573,615	\$2,369,333	\$954,228	\$66,305	\$13,963,481	(\$8,762,191)	\$0	(\$54,768,406)
FY 2036-37	(\$54,768,406)	\$3,900,290	\$1,161,000	\$140,000	\$5,201,290	\$11,102,296	\$2,487,800	\$1,001,939	\$66,305	\$14,658,340	(\$9,457,050)	\$0	(\$64,225,456)
FY 2037-38	(\$64,225,456)	\$3,900,290	\$1,161,000	\$140,000	\$5,201,290	\$11,657,410	\$2,612,190	\$1,052,036	\$66,305	\$15,387,941	(\$10,186,652)	\$0	(\$74,412,108)
FY 2038-39	(\$74,412,108)	\$3,900,290	\$1,161,000	\$140,000	\$5,201,290	\$12,240,281	\$2,742,799	\$1,104,638	\$66,305	\$16,154,023	(\$10,952,734)	\$0	(\$85,364,842)

# ATTACHMENT 1: ADDITIONAL INFORMATION

## Extreme Worst Case Scenario

Fiscal Year	Opening Fund Balance	Revenues				Expenses					Net Revenue	Interest on Fund Balance	Closing Fund Balance
		Unit Fee Revenue	Tip Fee Revenue	Other Revenue	Total Revenue	County Expenses	Fremont Expenses	Agency Expenses	County Assessor's Fee	Total Expenses			
FY 2018-19	\$13,244,189	\$4,346,708	\$2,683,256	\$140,000	\$7,169,964	\$4,385,022	\$983,067	\$432,237	\$73,894	\$5,874,219	\$1,295,745	\$88,820	\$14,628,754
FY 2019-20	\$14,628,754	\$3,822,283	\$2,866,169	\$140,000	\$6,828,452	\$4,843,895	\$1,085,419	\$559,663	\$64,979	\$6,553,955	\$274,497	\$88,596	\$14,991,847
FY 2020-21	\$14,991,847	\$3,745,836	\$2,655,250	\$140,000	\$6,541,086	\$5,086,090	\$1,139,690	\$459,000	\$63,679	\$6,748,458	(\$207,372)	\$89,329	\$14,873,804
FY 2021-22	\$14,873,804	\$3,670,924	\$1,161,000	\$140,000	\$4,971,924	\$5,340,394	\$1,196,674	\$481,950	\$62,406	\$7,081,424	(\$2,109,500)	\$82,914	\$12,847,218
FY 2022-23	\$12,847,218	\$3,597,506	\$1,161,000	\$140,000	\$4,898,506	\$5,607,414	\$1,256,508	\$506,048	\$61,158	\$7,431,127	(\$2,532,621)	\$69,485	\$10,384,082
FY 2023-24	\$10,384,082	\$3,525,554	\$1,161,000	\$140,000	\$4,826,554	\$5,887,784	\$1,319,333	\$531,350	\$59,934	\$7,798,402	(\$2,971,848)	\$53,389	\$7,465,624
FY 2024-25	\$7,465,624	\$3,455,044	\$1,161,000	\$140,000	\$4,756,044	\$6,182,174	\$1,385,300	\$557,917	\$58,736	\$8,184,127	(\$3,428,082)	\$34,509	\$4,072,051
FY 2025-26	\$4,072,051	\$3,385,948	\$1,161,000	\$140,000	\$4,686,948	\$6,491,282	\$1,454,565	\$585,813	\$57,561	\$8,589,222	(\$3,902,273)	\$12,725	\$182,503
FY 2026-27	\$182,503	\$3,318,227	\$1,161,000	\$140,000	\$4,619,227	\$6,815,846	\$1,527,293	\$615,104	\$56,410	\$9,014,653	(\$4,395,426)	\$0	(\$4,212,923)
FY 2027-28	(\$4,212,923)	\$3,251,860	\$1,161,000	\$140,000	\$4,552,860	\$7,156,639	\$1,603,658	\$645,859	\$55,282	\$9,461,437	(\$4,908,577)	\$0	(\$9,121,500)
FY 2028-29	(\$9,121,500)	\$3,186,828	\$1,161,000	\$140,000	\$4,487,828	\$7,514,471	\$1,683,841	\$678,152	\$54,176	\$9,930,640	(\$5,442,811)	\$0	(\$14,564,312)
FY 2029-30	(\$14,564,312)	\$3,123,091	\$1,161,000	\$140,000	\$4,424,091	\$7,890,194	\$1,768,033	\$712,060	\$53,093	\$10,423,379	(\$5,999,288)	\$0	(\$20,563,600)
FY 2030-31	(\$20,563,600)	\$3,060,635	\$1,161,000	\$140,000	\$4,361,635	\$8,284,704	\$1,856,434	\$747,663	\$52,031	\$10,940,832	(\$6,579,197)	\$0	(\$27,142,797)
FY 2031-32	(\$27,142,797)	\$2,999,421	\$1,161,000	\$140,000	\$4,300,421	\$8,698,939	\$1,949,256	\$785,046	\$50,990	\$11,484,231	(\$7,183,810)	\$0	(\$34,326,607)
FY 2032-33	(\$34,326,607)	\$2,939,428	\$1,161,000	\$140,000	\$4,240,428	\$9,133,886	\$2,046,719	\$824,298	\$49,970	\$12,054,873	(\$7,814,445)	\$0	(\$42,141,052)
FY 2033-34	(\$42,141,052)	\$2,880,638	\$1,161,000	\$140,000	\$4,181,638	\$9,590,580	\$2,149,055	\$865,513	\$48,971	\$12,654,119	(\$8,472,481)	\$0	(\$50,613,533)
FY 2034-35	(\$50,613,533)	\$2,823,029	\$1,161,000	\$140,000	\$4,124,029	\$10,070,109	\$2,256,508	\$908,789	\$47,991	\$13,283,397	(\$9,159,368)	\$0	(\$59,772,901)
FY 2035-36	(\$59,772,901)	\$2,766,563	\$1,161,000	\$140,000	\$4,067,563	\$10,573,615	\$2,369,333	\$954,228	\$47,032	\$13,944,207	(\$9,876,645)	\$0	(\$69,649,546)
FY 2036-37	(\$69,649,546)	\$2,711,232	\$1,161,000	\$140,000	\$4,012,232	\$11,102,296	\$2,487,800	\$1,001,939	\$46,091	\$14,638,126	(\$10,625,894)	\$0	(\$80,275,440)
FY 2037-38	(\$80,275,440)	\$2,657,009	\$1,161,000	\$140,000	\$3,958,009	\$11,657,410	\$2,612,190	\$1,052,036	\$45,169	\$15,366,806	(\$11,408,796)	\$0	(\$91,684,237)
FY 2038-39	(\$91,684,237)	\$2,603,869	\$1,161,000	\$140,000	\$3,904,869	\$12,240,281	\$2,742,799	\$1,104,638	\$44,266	\$16,131,984	(\$12,227,115)	\$0	(\$103,911,351)

**ATTACHMENT B**

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY**

**RESOLUTION #WMA 2019 – [ ]**

**MOVED:**

**SECONDED:**

**AT THE MEETING HELD JUNE 26, 2019**

**SETTING A PUBLIC HEARING DATE AND PROCEDURES FOR  
NOTICE AND PROTEST OF PROPOSED AMENDMENT TO  
HOUSEHOLD HAZARDOUS WASTE COLLECTION AND DISPOSAL FEE**

**WHEREAS**, the Alameda County Waste Management Authority is considering adoption of Ordinance 2019-01 amending Ordinance 2014-01, which established a Household Hazardous Waste Collection and Disposal Fee; and

**WHEREAS**, the Alameda County Waste Management Authority wishes to ensure broad public awareness of the proposal and solicit public participation in the process from persons subject to the fee and other members of the public in accordance with sound public policy and all applicable laws.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. A public hearing on proposed Ordinance 2019-01 amending Ordinance 2014-01, which established a Household Hazardous Waste Collection and Disposal Fee, shall be held September 25, 2019, at 3:00 p.m. at 1537 Webster Street, in Oakland, California.
2. Notice of the hearing shall be published in a newspaper of general circulation in Alameda County at least once a week for two successive weeks prior to the date of the hearing.
3. The Executive Director shall cause to be prepared and filed with the office of the Clerk of the Board a report containing a description of each parcel of real property with one or more households served by the Household Hazardous Waste Collection and Disposal Program described in the proposed ordinance, the number of households on each parcel, and the amount of the charge for each parcel computed in conformity with the proposed ordinance.
4. At least 45 days prior to the hearing the Executive Director shall cause notices in writing of (i) the proposed ordinance, (ii) the filing of the above-described report, and (iii) the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in the report is listed in the last equalized assessment roll available on the date the report was prepared (a "Record Owner"), at the address shown on said assessment roll or as known to the Executive Director. If the assessment roll indicates more than one owner, each owner shall receive notice. Only Record

Owners shall receive notice. Failure of any person to receive any notice shall not invalidate the proceedings.

5. The mailed notice described above shall inform the recipient of their ability to file a written protest concerning the proposed ordinance. The following guidelines shall apply to written protests:
  - (a) Any Record Owner of a parcel to which the fee would apply may submit a written protest.
  - (b) The Board shall consider all protests submitted in accordance with the requirements of this section. Any Record Owners whose names and addresses appear on the last equalized secured property tax assessment roll may submit a protest against the proposed fee either at the noticed hearing or, prior to the hearing, by mail to the Executive Director, 1537 Webster Street, Oakland, CA, 94612, and received by no later than 12:00 p.m. on the date of the hearing. Mailed protests received after that time will not be considered regardless of the date of mailing.
  - (c) The protest must be in writing. Protests submitted by e-mail or facsimile, as well as verbal protests, will not be considered by the Board of Directors to determine whether a majority of the owners of the identified parcels or households subject to the fee have submitted protests. All members of the public are entitled to make comments at the hearing whether or not they choose to submit a written protest or own property that would be subject to the proposed ordinance.
  - (d) All written protests must be submitted before the conclusion of the hearing. The Executive Director shall not accept or consider any protest that is received after the conclusion of the hearing.
  - (e) Written protests must identify the affected property (by assessor's parcel number), the number of residential units on the parcel, and must include the original signature of the person submitting the protest. The person signing the protest shall identify him or herself as an owner of the parcel as shown on the last equalized secured property tax assessment roll.
  - (f) One written protest per parcel, submitted by the owner of the parcel whose name appears on the last equalized property tax assessment roll, shall be counted. If one of the owners of a parcel that is owned by more than one person or entity submits a written protest, that protest shall be included in the calculation of whether there is a majority protest against the fee or charge. Under all circumstances, only one protest per parcel shall be counted.
  - (g) Any person who submits a written protest may withdraw it by submitting a written request that the protest be withdrawn in person at the hearing or by

letter addressed to the Executive Director at 1537 Webster Street, Oakland, CA, 94612 and received by no later than 12:00 p.m. on the date of the hearing. Mailed protest withdrawal requests received after that time will not be considered regardless of the date of mailing. The written withdrawal of a protest shall identify the parcel and the name of the owner whose name appears on the last equalized secured property tax assessment roll and include a request that the protest be withdrawn. The withdrawal of a protest shall only be valid if it is submitted by the same person who submitted the protest and includes an original signature of the person submitting the withdrawal request. A person who withdraws a protest in person at the hearing shall provide evidence that s/he is the person listed on the last equalized secured property tax assessment roll for the affected property.

- (h) Written protests shall be placed in a sealed container immediately upon receipt and remain in that container until tabulated. From and after the start of the hearing, the written protests shall constitute “public records” as defined in Government Code § 6254. The Executive Director shall establish appropriate safeguards to ensure that sealed protests are not opened prior to tabulation.

6. Tabulating Protests. The following guidelines shall apply to tabulating written protests and determining whether a written protest against the proposed fee has been received:

- a. An impartial person designated by the Executive Director who does not have a vested interest in the outcome of the proposed fee shall tabulate the written protests submitted, and not withdrawn, in opposition to the proposed ordinance (the “Tabulator”). The Tabulator shall determine the validity of all protests. The Tabulator shall not accept as valid any protest if the Tabulator determines that any of the following conditions apply:
  - i. The protest does not identify a parcel that would be subject to the fee;
  - ii. The protest does not bear an original signature of the person submitting the protest;
  - iii. The protest does not state its opposition to the proposed fee;
  - iv. The protest was not received by the Executive Director before the close of the hearing;
  - v. The protest appears to be tampered with or otherwise invalid based upon its appearance or method of delivery or other circumstances; and/or
  - vi. A request to withdraw the protest is received prior to the close of the hearing.

- b. The Tabulator's decision regarding the validity of a protest shall constitute a final action of the Authority and shall not be subject to appeal to the Board or to any other committee or employee of the Authority.
  - c. The Tabulator shall begin tabulating written protests not sooner than September 25, 2019 and shall not disclose any interim or final results of the tabulation until the start of the hearing. If, at the conclusion of the hearing, cursory review of the protests received demonstrates that the number received is manifestly less than one-half of the parcels served by the Household Hazardous Waste Collection and Disposal Program, then the Tabulator may advise the Board of the absence of a majority protest without tabulating the protests.
7. If written protests against the proposed ordinance are presented by either (i) a majority of the owners of the identified parcels subject to the ordinance or (ii) the owners of a majority of the residential units subject to the ordinance, the Board shall not adopt the ordinance.

Passed and adopted this 26th day of June, 2019, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of Resolution No. 2019-\_\_.

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ARLISS DUNN  
CLERK OF THE BOARD

## ATTACHMENT C

### ORDINANCE 2019-01 AMENDING ORDINANCE 2014-01

#### ORDINANCE AMENDING THE HOUSEHOLD HAZARDOUS WASTE COLLECTION AND DISPOSAL FEE ORDINANCE

The Board of the Alameda County Waste Management Authority (“Authority”) finds that:

1. In 2014 the Authority adopted Ordinance 2014-01, the Ordinance Establishing a Household Hazardous Waste Collection and Disposal Fee. For the reasons set forth in the findings in Exhibit A, the Authority wishes to amend the ordinance to change the method of periodic fee adjustment subject to the cap established in 2014 and remove the sunset date.
2. The Board of the Alameda County Waste Management Authority held a public meeting on June 26, 2019, and after considering all testimony and written materials provided in connection with that meeting introduced this ordinance and waived the reading thereof and called for a hearing on the ordinance as set forth in the findings in Exhibit A.

Therefore, the Board of the Authority hereby ordains as follows:

#### Section 1. Adoption.

Ordinance 2014-01, the Ordinance Establishing a Household Hazardous Waste Collection and Disposal Fee is hereby amended as set forth in Exhibit A. Text to be added is indicated in bold underlined font (e.g., **underlined**) and text to be deleted is indicated in strikeout font (e.g., ~~strikeout~~).

#### Section 2. Severability.

If any provision of this Ordinance or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

#### Section 3. Publication.

Within 15 days after adoption of a summary of the ordinance with the names of those voting for and against, the ordinance shall be published and a certified copy of the full text with the names of those voting for and against the ordinance shall either (i) be posted on the Authority’s website or (ii) be posted in the Authority offices.

- Continued on following page -

**Following introduction on June 26, 2019, passed and adopted September 25, 2019 by the following vote:**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of ORDINANCE NO. 2019-01.

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ARLISS DUNN  
CLERK OF THE BOARD

*Exhibit A*

**ORDINANCE 2014-1  
as amended by Ordinance 2019-1**

**AN ORDINANCE ESTABLISHING A HOUSEHOLD HAZARDOUS WASTE  
COLLECTION AND DISPOSAL FEE**

The Board of the Alameda County Waste Management Authority hereby ordains as follows:

Section 1.     Findings

The Authority finds that:

(a) It has been standard practices since the early 1990s for Cities and Counties in California to periodically characterize the components of garbage and refuse sent to landfill in order to facilitate planning for diverting recoverable and harmful materials from landfill disposal. Waste characterization studies for Alameda County, and the State of California overall find that household hazardous waste (HHW; see Health & Safety Code Section 25218.1 (e)) is about the same weight or percentage of residential garbage and refuse regardless of whether the dwelling unit is in a single family or multi-family residential building. Furthermore, vacant Households also require household hazardous waste collection and disposal in connection with property improvements, maintenance, or landscaping.

(b) State law precludes disposal of household hazardous waste in municipal landfills such as those serving Alameda County residents and the Alameda County Integrated Waste Management Plan calls for removing hazardous wastes from the solid waste stream for proper separate management through separate collection and other programs.

(c) In Health and Safety Code section 25218 the State legislature has found that “residential households which generate household hazardous waste and conditionally exempt small quantity generators which generate small amounts of hazardous waste in the state need an appropriate and economic means of disposing of the hazardous waste they generate” and disposal of household hazardous waste “into the solid waste stream is a threat to public health and safety and to the environment.” The Health and Safety Code further provides for the establishment of “household hazardous waste collection facilities”, which are defined in Section 25218.1 (f) as facilities operated by public agencies or their contractors for the purpose of collecting, handling, treating, storing, recycling, or disposing of household hazardous waste and hazardous waste from conditionally exempt small quantity generators.

(d) The Alameda County Environmental Health Department, with policy direction and funding provided by the Waste Management Authority, operates three permanent Household Hazardous Waste (HHW) collection facilities located in the northern, southern, and eastern sections of the County and BLT Recycling, under contract with the City

of Fremont, operates a fourth HHW collection facility at the Fremont Transfer Station, partially funded by the Authority. These facilities are operated in accordance with Health & Safety Code 25218 et seq, and under two memoranda of understanding (MOUs) between the Authority and the County of Alameda and the Authority and the City of Fremont. These MOUs will be revised to implement this ordinance.

(e) These Household Hazardous Waste collection facilities benefit and serve Alameda County residential property owners by collecting and providing a legal, safe, place for disposal of HHW materials generated in Alameda County in compliance with the law. The services and facilities of this program may be used only by Alameda County Households. The Household Hazardous Waste Collection and Disposal Fee funds this program and may not be used for any other purpose. The program was evaluated in an October 4, 2013 memorandum from HF&H Consultants, LLC to the Alameda County Waste Management Authority which determined that the funds generated by the fee do not exceed the costs of the program services and facilities. **The program was reviewed in a June 12, 2019 memorandum from HF&H Consultants, LLC to the Alameda County Waste Management Authority which evaluated a revised fee adjustment methodology and confirmed that the funds generated by the fee and revised methodology do not exceed the costs of the program services and facilities.**

(f) The costs of the program's HHW collection and disposal services and facilities for Alameda County Households are offset in part by funds received or cost reductions associated with product stewardship programs implemented in accordance with State law (such as the PaintCare Product Stewardship Program established at Public Resources Code sections 48700 et seq. which reduces costs associated with collection and disposal of architectural paints and provides funds for processing those materials). These programs are expected to expand in the future and **reduce program expenses accordingly. These reduced expenses will be reflected in** the amount of the fee ~~will be reduced commensurate with the cost offsets or funding associated with these programs. In anticipation of full cost offset and funding from these programs in the future the fee sunsets in 2024.~~

(g) Article 4 of Health & Safety Code Division 5, Part 3, Chapter 6 authorizes public agencies including cities, counties, and special districts, upon a two-thirds vote of the legislative body, to prescribe and collect fees for garbage and refuse collection services and facilities on the tax roll. This ordinance prescribes a fee for collection and disposal at the four HHW facilities in Alameda County of the HHW component of garbage and refuse generated by Alameda County Households.

(h) The Authority has the power to enact this Ordinance pursuant to the Joint Exercise of Powers Agreement for Waste Management. That agreement grants the Authority all of the powers necessary to implement the Alameda County Integrated Waste Management Plan including the power to levy and collect fees and charges for programs such as HHW collection and disposal services and facilities.

(i) This Ordinance was introduced on December 18, 2013 at which time the Board set a public hearing for consideration of the Ordinance on February 26, 2014 and directed

the Executive Director to prepare a report containing a description of each parcel of real property with one or more Households, the number of Households on each parcel, and the amount of the charge for each parcel computed in conformity with this Ordinance. The Board directed the Executive Director to publish and cause a notice in writing of the filing of said report and the proposal to collect the annual charge on the tax roll together with the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in said report is listed as owner in the last equalized assessment roll available on the date said report is prepared (a "Record Owner"), at the address shown on said assessment roll or as known to the Executive Director. On January 22 the Board continued the protest hearing date to March 26, 2014. Notice of the new hearing date and extended protest period was published and mailed in accordance with law. This Ordinance was re-introduced with clarifying amendments on February 26, 2014.

(j) Following the 2014 protest hearing the Board considered all objections or protests to the report and this Ordinance. Protests were received from the Record Owners of (1) less than a majority of the separate parcels of property described in the report and (2) less than a majority of the Households on property described in the report. The Board approved the ordinance by a two-thirds majority or greater of the Board membership.

**(k) This ordinance was amended in 2019 to revise the method for periodic adjustments to the fee subject to the cap established in 2014 and remove the 2024 sunset date. This amendment was introduced on June 26, 2019 at which time the Board set a public hearing for consideration of the amendment on September 25, 2019 and directed the Executive Director to prepare a report containing a description of each parcel of real property with one or more Households, the number of Households on each parcel, and the amount of the charge for each parcel computed in conformity with this Ordinance. The Board directed the Executive Director to publish and cause a notice in writing of the filing of said report and the proposal to collect the annual charge on the tax roll together with the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in said report is listed as owner in the last equalized assessment roll available on the date said report is prepared (a "Record Owner"), at the address shown on said assessment roll or as known to the Executive Director. Following the 2019 protest hearing the Board considered all objections or protests to the report and this amendment to this Ordinance. Protests were received from the Record Owners of (1) less than a majority of the separate parcels of property described in the report and (2) less than a majority of the Households on property described in the report. The Board approved the ordinance by a two-thirds majority or greater of the Board membership.**

~~(k)~~ **(l)** Enactment **and amendment** of this Ordinance is not a "project" subject to the requirements of the California Environmental Quality Act, California Code of Regulations, title 21, section 15378(b)(4); further, even if it were a "project," it would be categorically exempt from the California Environmental Quality Act pursuant to California Code of Regulations, title 21, section 15308.

Section 2. Definitions

(a) “Alameda County” or “County” means all of the territory located within the incorporated and unincorporated areas of Alameda County.

(b) “Authority” means the Alameda County Waste Management Authority created by the Joint Exercise of Powers Agreement for Waste Management.

(c) “Board” means the governing body of the Authority made up of elected representatives of the member agencies pursuant to the Joint Exercise of Powers Agreement for Waste Management.

(d) “Executive Director” means the individual appointed by the Board to act as head of staff and perform those duties specified by the Board.

(e) “Fee” means the fee described in section 3 of this ordinance.

(f) “Fee Collection Report” means the annual report containing a description of each parcel of real property with one or more Households served by the Household Hazardous Waste Collection and Disposal Program, the number of Households on each parcel described, the amount of the charge for each parcel for the year, computed in conformity with this Ordinance, and whether the Fee is to be collected on the tax roll or by other means.

(g) “Household” means a residential dwelling unit (e.g., a single family home, apartment unit or condominium unit in a multi-unit building, etc.). Nothing in this Ordinance is intended to prevent an arrangement or the continuance of an existing arrangement under which payment for garbage and refuse collection and disposal service is made by residents of a household who are not the owner or owners thereof. However, any such arrangement will not affect the property owner’s obligation should such payments not be made.

(h) “Household Hazardous Waste Collection and Disposal Program” means the Proposed System Expansion Option described in the October 4, 2013 memorandum from HF&H Consultants, LLC to the Alameda County Waste Management Authority.

~~(i) “Other Revenue” means the sum of (1) revenue received from the household hazardous waste fee of \$2.15 per ton pursuant to Authority Resolution No. 140 and Resolution No. 2000-03 and (2) Product Stewardship Offsets.~~

~~(j) “Product Stewardship Offset” means funds received by the Household Hazardous Waste Collection and Disposal Program or operational cost reductions at the program attributable to household hazardous waste product stewardship programs implemented in accordance with federal, state, or local laws.~~

~~(i)(4)~~ “Small Quantity Generator” has the same meaning as Conditionally Exempt Small Quantity Generator as defined in California Health and Safety Code Section as it now exists or may be amended from time to time hereafter.

Section 3. Household Hazardous Waste Collection and Disposal Fee

(a) An annual household hazardous waste collection and disposal fee of \$9.55 or such lesser amount established by the standards below shall be paid by each Household in Alameda County beginning July 1 2014 ~~and ending June 30, 2024 in the manner set forth in this ordinance.~~ **The fee shall be set at the amount of \$6.64 through June 30, 2024, subject to adjustment thereafter as set forth below, subject to the cap of \$9.55. This fee may be repealed by the Board at any time.**

(b) No later than ~~December~~ **March** 31 of 2015 **2024** and each year ~~every~~ **five years** thereafter the Executive Director shall prepare a report **evaluating Program expenses and revenues during the previous five fiscal years and projecting expenses and revenues for the following five fiscal years. The Fee per Household shall be set for the following five fiscal years beginning July 1 of the year in which report is prepared at a level projected to maintain an annual fund balance sufficient for two years of operating costs.** identifying the amount of Other Revenue received by the Household Hazardous Waste Collection and Disposal Program in the prior fiscal year. If the report of Other Revenue exceeds the projected amount specified in subsection (c), the fee shall be reduced for the following fiscal year by an amount equal to the excess revenue divided by the number of Households subject to the fee in the prior fiscal year. If revenues equal or fall below that specified in subsection (c) there shall be no increase in the fee. The Fee per Household shall never be greater than \$9.55 per year.

(c) ~~The fee is based on the following projected Other Revenue:~~

<b>Fiscal Year</b>	<b>Projected Product Stewardship Offset</b>	<b>Projected Tip Fee</b>	<b>Total</b>
<del>2014-2015</del>	\$263,225	\$1,849,000	\$2,112,225
<del>2015-2016</del>	\$263,225	\$1,713,550	\$1,976,775
<del>2016-2017</del>	\$263,225	\$1,578,100	\$1,841,325
<del>2017-2018</del>	\$263,225	\$1,442,650	\$1,705,875
<del>2018-2019</del>	\$263,225	\$1,307,200	\$1,570,425

<del>2019–2020</del>	<del>\$263,225</del>	<del>\$1,171,750</del>	<del>\$1,434,975</del>
<del>2020–2021</del>	<del>\$263,225</del>	<del>\$1,171,750</del>	<del>\$1,434,975</del>
<del>2021–2022</del>	<del>\$263,225</del>	<del>\$1,171,750</del>	<del>\$1,434,975</del>
<del>2022–2023</del>	<del>\$263,225</del>	<del>\$1,171,750</del>	<del>\$1,434,975</del>
<del>2023–2024</del>	<del>\$263,225</del>	<del>\$1,171,750</del>	<del>\$1,434,975</del>

~~(c)(d)~~ The fee shall be used exclusively for the Household Hazardous Waste Collection and Disposal Program.

~~(d)(e)~~ As a condition of receiving payments funded by the Fee, a collection and disposal service provider (e.g., at present, the County of Alameda and the City of Fremont) must agree that no charge will be imposed on (1) residents of Alameda County Households for services included in the Household Hazardous Waste Collection and Disposal Program or (2) Small Quantity Generators who are owners of residential rental property in Alameda County for disposal of household hazardous wastes from Households in Alameda County. Any such agreement shall be in the form of a contract or memorandum of understanding (MOU) approved by the Board. The Executive Director shall not cause the fee to be collected as described in Section 4 of this ordinance until revised MOUs with the County of Alameda and the City of Fremont have taken effect.

Section 4. Administration

(a) Each year the Executive Director shall cause a Fee Collection Report to be prepared in accordance with this Ordinance and applicable law.

(b) The Fee Collection Report shall be reviewed by the Board to ascertain the accuracy of the information contained therein. A notice of the report's availability and a time and place of a public hearing on the report and the collection of such charges on the tax roll shall be published as set out in Government Code Section 6066 in a newspaper of general circulation printed and published within the County. At the conclusion of the hearing, the Board shall make its determination upon each charge and its collection on the tax roll or by other means. The determination of the Board shall be final. Upon such final determination, on or before August 10 of each year, the Executive Director shall endorse the final report with a statement that it has been finally adopted by the Board, and shall file the signed report with the County Auditor. Authority staff is hereby authorized to undertake all administrative tasks to implement collection of the Fee, including, but not limited to an agreement with Alameda County for collection, which may provide payment to Alameda County of its reasonable costs of collection.

(c) The Fee for the period of July 1st, to and including June 30th of each fiscal year shall be entered as a charge on the tax roll against the parcels identified in the Fee

Collection Report as paying through the tax roll. The Fee shall be collected at the same time and in the same manner as ad valorem taxes and other charges as are otherwise collectible by the county. All laws applicable to the levying, collection and enforcement of ad valorem taxes shall be applicable to such charges as provided herein except as otherwise provided by law. Fees paid with the tax bill shall be deemed to have been paid by those Households located on that property/parcel.

(d) The annual Fee for any Household located on property which is not designated for collection on the tax roll in the Fee Collection Report shall be collected by the Executive Director and shall be due and payable at least once per year on a schedule to be determined by the Executive Director.

Section 5. Enforcement. The Executive Director and the County of Alameda are authorized to undertake all appropriate actions necessary to collect the Fee in the manners authorized by law. The Executive Director may direct collection and disposal service providers to deny access to services included in the Household Hazardous Waste Collection and Disposal Program for Households with unpaid charges.

Section 6. Severability. If any provision of this Ordinance or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Notice. This Ordinance shall be posted at the Authority Office after its second reading by the Board for at least thirty (30) days and shall become effective thirty (30) days after the second reading.

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