



DATE: January 11, 2024
TO: Recycling Board
FROM: Timothy Burroughs, Executive Director
SUBJECT: Board Rules of Procedure for Teleconferencing

SUMMARY

On December 8, 2022, the Recycling Board adopted a resolution to amend its Rules of Procedure to remove the limit on the number of Board Members who may utilize teleconferencing for board and committee meetings; to not incorporate the Just Cause and Personal Emergency Provisions of AB 2449 into the Rules of Procedure; and to require that Board Members provide the Clerk of the Board at least six days' notice in advance of the affected board meeting if they wish to utilize teleconferencing from a noticed location. The resolution also directed that the Board evaluate these changes to the Rules of Procedure at a future date. The purpose of this agenda item is to enable the Board to evaluate the amendments to the Rules of Procedure adopted in December 2022.

DISCUSSION

Prior to amendments approved by the Board in December 2022, the Board's Rules of Procedure stated that no more than two Board members may utilize teleconferencing for a Board meeting.

As was discussed when the Board approved the interim amendments to the Rules in March 2022 and then affirmed those amendments in December 2022, it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of board members who may participate remotely, consistent with the Brown Act. Providing a teleconference option for Board Members creates environmental as well as health benefits. The Board has also demonstrated its ability to efficiently and effectively carry out its work under the current Rules of Procedure. Staff appreciate that Board Members have made it their practice to notify the Clerk at least six days in advance of a given Board meeting if they wish to teleconference from a noticed location.

The Board chose to not incorporate the provisions of AB 2449 into its Rules of Procedure because the law requires somewhat complicated criteria that must be satisfied, procedures that must be implemented, and limitations on the number of times a Board Member can rely on these provisions to attend remotely. AB 2449 also sunsets at the end of 2025. For more detail on the provisions of AB 2449, see the 2nd page of Attachment 1.

Staff is not recommending any changes to the amendments that the Board adopted in December 2022.

RECOMMENDATION

Staff recommends that the Board evaluate the amendments to the Rules of Procedure adopted on December 8, 2022.

Attachment 1: December 8, 2022, Memo to the Recycling Board regarding Rules of Procedure

Attachment 2: Minutes from the December 8, 2022, Recycling Board meeting



DATE: December 8, 2022
TO: Recycling Board
FROM: Timothy Burroughs, Executive Director
SUBJECT: Rules of Procedure for Teleconferencing at Recycling Board Meetings

SUMMARY

In March 2022, the Recycling Board adopted interim amendments to the Board’s Rules of Procedure to remove the limit on the number of Board Members who may utilize teleconferencing for Board and Committee meetings, consistent with the Brown Act. The Board directed that the interim amendments would be in place until the end of the calendar year, at which time the Board would reevaluate and consider next steps. The purpose of this memo is for the Board to consider retaining the approved amendments moving forward.

In addition, at the same time as affirming the above-mentioned amendments, staff recommends that the Board also consider amendments to the Rules of Procedure to incorporate the provisions of Assembly Bill (AB) 2449, which was signed by the Governor in September 2022 and adds a new limited teleconferencing option for Board members.

DISCUSSION

Amendments to the Rules of Procedure to remove limits on the number of Board Members who may participate remotely – Prior to the interim amendments approved by the Recycling Board in March 2022, the Board’s Rules of Procedure stated that no more than two Board Members may utilize teleconferencing for a Board meeting at no more than two teleconferencing locations.

The December Recycling Board meeting is an opportunity to evaluate the Board’s interim amendments to remove the limit on the number of Board Members who may utilize teleconferencing for Board meetings. Staff recommends that the Board affirm the approved amendments moving forward. As was discussed by the Board in March, it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of Board Members who may participate by teleconference. Further, providing a teleconference option for Board Members creates environmental benefits from reduced vehicle miles travelled, as well as health

benefits. The Board has also demonstrated its ability to efficiently and effectively carry out its work while participating remotely.

Amendments to the Rules of Procedure to incorporate provisions of AB 2449 – The passage of AB 2449 means that there are now three distinct options for Board Members to teleconference for board and committee meetings:

1. “The Usual” option: This option is generally the teleconferencing option that has historically been available; it requires the Board member to post a hard copy of the agenda at their remote location and allow the public to physically attend the meeting at the location where the Board member is located (e.g., Board Member’s home, office, or hotel room). This option does not have a sunset. (See Government Code section 54953(b).)
2. “The Covid Emergency (AB 361)” option: This is the teleconferencing option the legislature adopted in September 2021 (AB 361) in response to COVID-19; it requires the Board to make certain monthly findings regarding the state of emergency and its impact on the ability to safely meet, and/or the continued imposition or recommendation of measures to promote social distancing. As law, AB 361 sunsets at the end of 2023 but will actually become unavailable on February 28, 2023, because the Governor has announced he will rescind the COVID emergency declaration as of that date. The existence of a state of emergency is one of the findings the Board is required to make in order to participate remotely using the streamlined teleconferencing rules created by AB 361. (See Government Code section 54953(e).)
3. “The Just Cause or Personal Emergency” option created by AB 2449: This new option provides two distinct grounds for a Board or Committee Member to attend remotely: (i) for Just Cause, or (ii) for a Personal Emergency. The legislation provides somewhat complicated criteria that must be satisfied, procedures that must be implemented, and limitations on the number of times a Board Member can rely on these bases to attend remotely. This option is scheduled to sunset at the end of 2025. (See Government Code section 54953(f)¹.) A detailed review of the provisions of AB 2449 is included below.

Using the Just Cause and Personal Emergency options included in AB 2449

As long as the Recycling Board continues to make findings under the COVID Emergency options (AB 361), there is no need for any Board Member to use the Just Cause/Personal Emergency option. The Just Cause/Personal Emergency option is only relevant once the COVID Emergency option (AB 361) is not available.

For a Board member to rely on either the Just Cause or Personal Emergency provisions to remotely attend a Board meeting the following requirements must be met:

1. At least a quorum of the Board must be present at a singular physical location clearly identified on the agenda. If there is less than a quorum at the specified location, then no

¹ This is renumbered to Section 54953(e) for 2024 and 2025 after AB 361 sunsets.

Board Member may participate using either the Just Cause or Personal Emergency provisions. If one or more Board Members attending at the specified physical location leave the meeting such that there is less than a quorum at that location, then no Board Members using the Just Cause or Personal Emergency provisions may continue to participate in the meeting. The meeting may continue without those Board Members as long as there is a quorum of Board Members participating in person or from remote locations using “The Usual” option.

2. The Agency must notice the meeting and meet certain minimum technological requirements similar to those currently in place. Specifically, the Recycling Board must provide (1) for public observation of the meeting via either a two-way audiovisual platform, or a two-way telephonic service accompanied by live webcasting; (2) opportunities for the public to comment via a call-in option, an internet-based option, and an in-person location; (3) information on how to observe and comment in all notices of the meeting; and (4) procedural protections to ensure that the Board takes no action during a disruption that prevents the public from observing or commenting on the meeting.
3. The Board Member must participate via both audio and visual technology (e.g., Zoom with camera turned on). If the Board member’s audio or visual connection is lost during the meeting, the Board Member may not participate until the problem is resolved. Note that this requirement differs from “the Usual” option which allows participation by audio only.
4. The Board Member must disclose at the meeting before action is taken whether there are any adults in the room with the Board member and must disclose the general nature of the member’s relationship with any such individuals.
5. The Board Member must not have exceeded the limits on use of the Just Cause and Personal Emergency provisions during the calendar year. No member may participate remotely using those provisions more than three consecutive months or 20 percent of the regular Board meetings within a calendar year. The Recycling Board meets 12 times per year; 20 percent of 12 is 2.4. This means that Board Members may rely on one or both of the Just Cause and Personal Emergency provisions no more than a total of two times per year for Board meetings.
6. The Board Member must inform the Board of their need to participate remotely for Just Cause or a Personal Emergency “at the earliest opportunity possible.” The legislation acknowledges that this may be as late as the start of the meeting in question.

If the requirements above are satisfied, then a Board Member may rely on either the Just Cause or Personal Emergency provisions if the following additional requirements are satisfied:

Just Cause – A Board Member may rely on this provision based on a need related to: (a) caregiving for certain family members, (b) a contagious illness, (c) a physical or mental disability, and (d) travelling while on official business for a public agency. The Board Member is required to provide a general description of the circumstances relating to their need to appear remotely for just cause.

Personal Emergency – This provision requires the Board to approve remote participation and applies only to medical emergencies for the Board Member or their family. The Board member must request approval of remote participation and provide a general description of the circumstances. This description generally need not exceed 20 words and does not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law. There must be a separate request for each meeting at which the member wishes to participate remotely. The Board may add such requests to the agenda as an urgency item. The law does not provide any guidance on standards to be used by the Board in considering requests for remote participation.

If the Board chooses to incorporate the provisions of AB 2449 into its Rules of Procedure, staff recommends that the Board add a standing agenda item to receive Just Cause reports and Personal Emergency Requests. In the event of such a report the Clerk can verify that the baseline procedural requirements above have been satisfied. Note, however, that if a quorum of the Board is not attending from a single physical location, neither option will be available, and the Personal Emergency option will be available only at the discretion of the full Board. For these reasons, once AB 361 is no longer in effect, Board Members unable to attend in person or at a noticed remote location under “The Usual” procedures should consider sending their interim appointee.

The following table summarizes the discussion above.

	Teleconferencing Options		
	Usual	Covid Emergency	Just Cause or Personal Emergency
Public must be allowed to attend in person at Board Member's remote location?	Yes	No	No
Limit on # of Board Members that can use this option at the same time?	No (as long as the Board affirms its interim amendments removing this limit in the Rules of Procedure)	No	Yes, at least a quorum must be present at "a singular physical location clearly identified on the agenda"
Limit on # of times a Board Member can use the option?	No	No	Yes, a maximum of two times per calendar year
Board Member must use both audio + visual technology?	No, audio only is acceptable	No, audio only is acceptable	Yes
Quorum of Board Members need to attend from locations in the jurisdiction?	Yes, although can be remote locations within the Alameda County	No	Yes (see note above regarding location of quorum)
Required to provide a physical meeting location for public?	Yes, at standard location where regular meeting held in person + at Board member's remote location	No	Yes

Required to provide call-in or internet-based broadcast for public?	No	Yes, although minimum standards not described	Yes, either a two-way audiovisual platform or a two-way telephonic service + live stream; public must be able to provide comment via a call-in option, an internet-based option, and an in-person location
Action must stop if broadcast for public disrupted?	No, no express requirement although City could choose to pause until technology issue resolved and may be prudent to do so	Yes	Yes
Planned to sunset?	No	Yes, law sunsets at end of 2023 and is no longer in effect as of February 28, 2023	Yes, sunsets at end of 2025

RECOMMENDATION

Staff recommends that the Recycling Board adopt Resolution 2022-15 to remove the limit on the number of Board Members who may utilize teleconferencing for Board and Committee meetings and to incorporate the Just Cause and Personal Emergency provisions of AB 2449.

Attachment A: #RB Resolution 2022-15

Attachment B: March 10, 2022, Recycling Board Memo and Resolution approving interim amendments to the Rules of Procedure to remove the limit on the number of Board Members who may utilize teleconferencing

ATTACHMENT A

ALAMEDA COUNTY SOURCE REDUCTION AND RECYCLING BOARD

RESOLUTION #RB 2022-15

**MOVED:
SECONDED:**

AT THE MEETING HELD December 8, 2022

AMENDMENTS TO THE RULES OF PROCEDURE REGARDING TELECONFERENCING

WHEREAS, the Recycling Board Rules of Procedure allow no more than two Recycling Board members to utilize teleconferencing at a Board meeting at no more than two teleconferencing locations, and

WHEREAS, on March 10, 2022, the Recycling Board adopted interim amendments to the Board's Rules of Procedure to remove the limit on the number of Board members who may utilize teleconferencing for Board meetings and directed that the interim amendments remain in place until the end of calendar year 2022, at which time the Board would reevaluate and consider next steps, and

WHEREAS, it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of Board members who may participate by teleconference, the Board has demonstrated that it can efficiently and effectively carry out its work while participating remotely, and having the option to participate remotely creates both environmental and health benefits, and

WHEREAS, Assembly Bill 2449 (Rubio) was signed by the Governor on September 13, 2022 and creates a new limited option for Board members to teleconference for board and committee meetings, and

WHEREAS, amendments to the Recycling Board Rules of Procedure are required in order to incorporate the provisions of AB 2449, and

WHEREAS, the Brown Act sets strict rules for teleconferencing, designed to enable members of the public to access and participate in meetings of legislative bodies at teleconference locations,

THEREFORE, BE IT RESOLVED, that Section 3-8 of the Alameda County Source Reduction and Recycling Board Rules of Procedure is amended to read as follows:

Teleconferencing. ~~Recycling Board members who are unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section, but are encouraged to have interim appointees attend in their place. Interims are appointed by the Alameda County Waste Management Authority (WMA) Board for WMA representatives, and by the Alameda County Board of Supervisors for county resident representatives. No more than two Recycling Board members may utilize teleconferencing at a Committee/Recycling Board meeting at no more than two teleconferencing locations. A Board member wishing to utilize teleconferencing for a meeting must notify the Executive Director (or designee) prior to the release of the agenda for that meeting, of the teleconference location. The teleconference location must be accessible to the public. The Executive Director will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a Committee/ Recycling Board~~

meeting where teleconferencing is utilized will be taken by roll call. If more than two members request teleconferencing, the two selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the Recycling Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.

A Board member choosing to attend a meeting by teleconference wishing to utilize teleconferencing for a meeting must notify the Executive Director (or designee) prior to the release of the agenda for that meeting. may do so in accordance with the Brown Act as follows:

1. Noticed Location. A Recycling Board member wishing to utilize teleconferencing from a noticed location shall notify the Clerk of the Board prior to the release of the agenda for the affected Board meeting of the teleconference location that is accessible to the public. Agendas are typically released seven (7) days in advance of the meeting. The Clerk of the Board will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location.

2. Just Cause or Personal Emergency. A Recycling Board member wishing to utilize teleconferencing under the Brown Act's just cause or personal emergency procedures shall notify the Clerk of the Board at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely together with a general description of the circumstances relating to their need to appear remotely. If the Board member is requesting authorization to use the personal emergency procedures the Board shall consider, at the outset of the meeting, whether to approve the request. If a quorum of the Board is not participating in person from the StopWaste offices (or other specific physical location clearly identified on the agenda) then no Board member may participate using the just cause or personal emergency procedures. A Board member may teleconference pursuant to this provision no more than two times per year. For the purposes of this subsection 2:
 - The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

 - The member shall participate through both audio and visual technology.

 - "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

 - "Just cause" means any of the following: (1) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely; (2) A contagious illness that prevents a member from attending in person; (3) A need related to a physical or mental disability; (4) Travel while on official business of the Recycling Board or another state or local agency.

Recycling Board members who are unable to attend a meeting in person or at a noticed remote location are encouraged to have interim appointees attend in their place. Interims are appointed by the Alameda County Waste Management Authority (WMA) Board for WMA representatives, and by the Alameda County Board of Supervisors for county resident representatives.

Votes at a Committee/Recycling Board meeting where teleconferencing is utilized will be taken by roll call and all other applicable requirements of the Brown Act will be followed. If more than two members request teleconferencing, the two selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the Recycling Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.

BE IT FURTHER RESOLVED, that the Board recommends that the Alameda County Waste Management Authority (ACWMA) Board make conforming amendments to its Rules of Procedure to the extent that they apply to the ACWMA Planning Committee.

Effective date and Expiration Date. The Resolution shall take effect on March 1, 2023 and expire on December 31, 2025.

Passed and adopted this 8th day of December 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Arliss Dunn, Clerk of the Board



DATE: March 10, 2022
TO: Recycling Board
FROM: Timothy Burroughs, Executive Director
SUBJECT: Rules of Procedure for Teleconferencing at Recycling Board Meetings

SUMMARY

The Recycling Board Rules of Procedure, which are approved and can be revised by a majority of the total authorized vote of the Board, state that no more than two Board members may utilize teleconferencing for a Recycling Board meeting at no more than two teleconferencing locations. Further, the Brown Act sets strict rules for teleconferencing, designed to enable members of the public to access and participate in Board meetings at each teleconference location. The purpose of this memo is for the Recycling Board to consider interim amendments to the Rules of Procedure, consistent with the Brown Act, to remove the limit on the number of Board members who may utilize teleconferencing for Board meetings and to advise staff on the preferred start time for meetings held in each of the five supervisorial districts. The interim amendments would be in place until the end of calendar year 2022, at which time the Board would revisit and consider next steps.

DISCUSSION

In order to promote public health and safety, the Recycling Board has met exclusively by teleconference since the onset of the COVID-19 pandemic in March 2020. Initially, it was an Executive Order issued by the Governor that streamlined legislative body teleconferencing by suspending certain Brown Act rules, including the requirements that all teleconference locations be made available for the public, that each teleconference location be identified on the agenda, and that the agenda be posted at each teleconference location. Then, on September 16, 2021, the Governor signed AB 361 into law, which amends the Brown Act to allow local legislative bodies to continue to meet by teleconference as they did under the Executive Order, subject to various procedural safeguards that have consistently been a part of the Board’s practice. The “streamlined” teleconferencing pursuant to AB 361 is allowed only when the Governor has declared a state of emergency and the legislative body confirms every 30 days that state or local health officials have imposed or recommended measures to promote social distancing. At such time as the streamlined procedures are no longer in place, the Board’s standard Rules of Procedure will take effect. If the

Board makes interim amendments to the Rules of Procedure regarding teleconferencing, then those changes would become effective at that time instead.

The main amendment that staff is recommending that the Board consider is to remove the limit on the number of Board members who may utilize teleconferencing for Board meetings. The current Rules of Procedure also “encourage” Board members who are unable to attend a meeting in person, but are able to participate by teleconference, to have an interim appointee attend in their place (see Attachment 1, Section 3-8). Staff recommends that this aspect of the current Rules of Procedure – namely, encouraging Board members to appoint an interim Board member rather than participate via teleconference – no longer apply. Finally, staff recommends that the Board make these amendments on an interim basis, until the end of calendar year 2022, at which time the Board would reevaluate the interim rules and decide on next steps.

Having corresponded with several other public agencies that operate in Alameda County and the Bay Area, staff has found that it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of board members who may participate by teleconference. Public agencies throughout the region are in the process of setting up “hybrid” meeting procedures, meaning that members of the legislative body, agency staff, and members of the public may participate in Board meetings either in person or via teleconference.

If the Board chooses to adopt interim amendments to the rules of procedure, then staff will provide specific instructions for Board members to ensure that Brown Act rules are followed. Specifically, the Brown Act requires the following once the streamlined procedures of AB 361 are no longer in effect:

- At least a quorum of the legislative body must participate from locations within the local agency’s jurisdiction (i.e., Alameda County);
- Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable;
- Agendas must be posted at each teleconference location, even if a hotel room or a residence;
- Each teleconference location, including a hotel room or residence, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate;
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location; and
- All votes must be by roll call.

Importantly, once a teleconference location is noticed to the public, Board members must ensure that someone is at the location at the time of the meeting to provide public access to the space and to provide the public the ability to make comments. Also, Board members must provide the Clerk of the Board with their meeting location details at least one week prior to the Board meeting to ensure that the Agency meets required noticing deadlines.

In addition, per the Alameda County Waste Reduction and Recycling Initiative Charter Amendment (Measure D) that created the Recycling Board, the Board is required to continue to hold at least one

regularly scheduled evening meeting per year in each supervisorial district in a location accessible by public transit and that ensures full access to all Recycling Board meetings by the physically disabled. Agency staff will coordinate with StopWaste member agencies in each supervisorial district to identify appropriate locations that are equipped for teleconferencing and adhere to Measure D requirements.

The Board's practice, although it is not in the Rules of Procedure, is to start the evening meetings held in each of the five supervisorial districts at 7:00 pm. In other words, the Board's practice is to meet five times per year at 7:00 pm, while the other meetings begin at 4pm. Staff would like Board direction on if a 6:00 pm start time would be preferable.

Finally, staff encourages Board members to attend the last meeting of the calendar year in person to review 2022 accomplishments and prepare for the new year.

RECOMMENDATION

Adopt Resolution #RB 2022-04 to approve interim amendments to the Rules of Procedure to remove the limit on the number of Board members who may teleconference for Board meetings, and to start each of the five meetings held in the five supervisorial districts at 6:00 pm. The interim amendments to the Rules of Procedure would be in effect until the end of calendar year 2022, at which time the Board would reevaluate and consider next steps.

Attachment 1: Current Alameda County Source Reduction Recycling Board Rules of Procedure

ALAMEDA COUNTY SOURCE REDUCTION AND RECYCLING BOARD

RESOLUTION # RB 2022-04

**MOVED:
SECONDED:**

AT THE MEETING HELD MARCH 10, 2022

**INTERIM AMENDMENTS TO THE RULES OF PROCEDURE REGARDING TELECONFERENCING AND
PERMANENT REVISION TO START TIME FOR EVENING MEETINGS**

WHEREAS, the Recycling Board Rules of Procedure allow no more than two Recycling Board members to utilize teleconferencing at a Recycling Board meeting at no more than two teleconferencing locations, and

WHEREAS, these limitations were suspended during the COVID-19 public health emergency to allow all Board members to participate via teleconference to protect public health and safety and will take effect at such time as the Board resumes in person meetings, and

WHEREAS, the Brown Act sets strict rules for teleconferencing, designed to enable members of the public to access and participate in board meetings at teleconference locations, and

WHEREAS, having corresponded with several other public agencies that operate in Alameda County and the Bay Area, staff has found that it is not standard practice for regional legislative bodies to have rules of procedure that limit the number of board members who may participate by teleconference, and

WHEREAS, staff is recommending that the Recycling Board consider removing the limit on the number of Board members who may utilize teleconferencing for Board meetings for an interim period, until the end of calendar year 2022, and

WHEREAS, the Alameda County Waste Reduction and Recycling Initiative Charter Amendment (Measure D) requires the Recycling Board to hold at least one regularly scheduled evening meeting per year in each supervisorial district, and

WHEREAS, the Board's practice is to start the meetings held in each of the five supervisorial districts at 7:00 pm, and that staff is proposing a start time of 6:00 pm.

NOW THEREFORE, BE IT RESOLVED, that the Alameda County Source Reduction and Recycling Board consider and approve removing the limit on the number of Board members who may utilize teleconferencing for Board meetings, and

BE IT FURTHER RESOLVED, that removing the limit on the number of Board members who may utilize teleconferencing for Board meetings is approved on an interim basis by this resolution, through the end of calendar year 2022, at which time the Board will consider and provide direction on next steps, and

BE IT FURTHER RESOLVED, that Section 3-8 of the Alameda County Source Reduction and Recycling Board Rules of Procedure is amended on an interim basis until December 31, 2022, to read as follows:

Section 3-8 **Teleconferencing**. Recycling Board members ~~unable to attend a meeting in person~~ may participate in meetings by teleconference in accordance with this section. ~~but are encouraged to have interim appointees attend in their place. Interims are appointed by the Alameda County Waste Management Authority (WMA) Board for WMA representatives, and by~~

~~the Alameda County Board of Supervisors for county resident representatives. No more than two Recycling Board members may utilize teleconferencing at a Committee/Recycling Board meeting at no more than two teleconferencing locations.~~ A Board member wishing to utilize teleconferencing for a meeting must notify the Executive Director (or designee) prior to the release of the agenda for that meeting, of the teleconference location. The teleconference location must be accessible to the public. The Executive Director will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a Committee/Recycling Board meeting where teleconferencing is utilized will be taken by roll call. ~~If more than two members request teleconferencing, the two selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the Recycling Board.~~ Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.

BE IT FURTHER RESOVLED, that the Board directs that the Board meetings held in each supervisorial district shall begin at 6:00 pm moving forward, and

BE IT FURTHER RESOLVED, that the Board recommends that the Alameda County Waste Management Authority (ACWMA) Board make conforming amendments to its Rules of Procedure to the extent that they apply to the ACWMA Planning Committee.

Effective Date and Expiration Date. This Resolution shall take effect immediately upon its adoption, and expire on December 31, 2022.

Passed and adopted this 10th day of March 2022 by the following vote::

AYES:

NOES:

ABSENT:

ABSTAINED:

Arliss Dunn, Clerk of the Board

ATTACHMENT 1

ALAMEDA COUNTY SOURCE REDUCTION AND RECYCLING BOARD RULES OF PROCEDURE

Revised July 12, 2018

Article 1 General Provisions

- Section 1-1 **Name of Board.** The name of the Board is the Alameda County Source Reduction and Recycling Board, hereinafter referenced as the "Recycling Board".
- Section 1-2 **Authority for Rules.** These rules apply to the Recycling Board (including Committees of the Recycling Board), and are adopted pursuant to the Initiative Charter Amendment known as County of Alameda Charter Section 64, hereinafter "Initiative", which became effective December 20, 1990, and is hereby incorporated by this reference.
- Section 1-3 **Purpose of Rules.** The purpose of these rules is to provide for the orderly conduct of meetings of the Recycling Board.

Article 2 Organization of Board

- Section 2-1 **Composition of Recycling Board.** The Recycling Board is composed of eleven (11) members appointed pursuant to the Initiative creating the Recycling Board.
- Section 2-2 **Officers.** The Officers of the Recycling Board shall be President, First Vice-President and Second Vice-President, who shall serve until the elections of their successor in accordance with Section 2-4.
- Section 2-3 **Committees.** The Recycling Board may appoint such committees from time to time as may be appropriate to administer the powers and programs of the Recycling Board. A majority of Recycling Board appointed committee members shall constitute a quorum of the committee. A majority vote of the committee members in attendance shall be required for the transaction of business, however, the committee is not empowered to take final action on behalf of the Recycling Board. All other rules followed by the Recycling Board apply to committee meetings unless otherwise determined by the committee. Committee Chairs, or the procedure for selection of a committee Chair, shall be specified by the Recycling Board when the committee is appointed.

In addition to the aforementioned, any committee that constitutes a quorum of the Recycling Board (see Section 3-5) shall be noticed as both a meeting of the committee and a meeting of the Recycling Board.

The Executive Director or designee shall monitor the composition of all Committees on which one or more Recycling Board members sit and notice the meetings as appropriate and required in compliance with the Ralph M. Brown Act (California Government Code Section 54950 et.seq), requiring open and public meetings for the legislative body of a local agency.

- Section 2-4 **Election of Officers.** The Officers shall be elected at the regular meeting of the Recycling Board in the month of December of each year or such other time as the Board may decide when an officer departs the Recycling Board. They shall be elected by a majority of

those present and voting. An abstention to vote by any member shall be construed as that member not voting. No member may serve more than one term in the same leadership position on the Recycling Board within a two-year time frame. This does not limit a person who has served in one office for a year serving in a different office the following year (e.g., the First Vice President in one year serving as the President the next year).

Section 2-5 **Term of Office.** Each term of office shall be no more than one (1) year duration, commencing January 1 or such other time as the Board may require to fill vacancies, and expiring December 31 of the same calendar year.

Section 2-6 **Executive Director.** The Executive Director of the Recycling Board shall be the Executive Director of the Alameda County Waste Management Authority Board.

Section 2-7 **Duties of President.** The President shall serve as Chair and preside at all meetings of the Recycling Board, and shall conduct the business of the Recycling Board in the manner prescribed by these Rules. The President shall preserve order and decorum using the Rules of Conduct of Meetings listed in Article 4 and the discussion ground rules listed in Article 4, and shall decide all questions of order subject to the action of a majority of the Recycling Board.

Section 2-8 **Duties of the First and Second Vice-President.** In the absence or inability of the President to act, the Vice-Presidents shall perform the duties of the President in order of their succession.

Section 2-9 **Duties of the Executive Director.** The Executive Director shall perform the following duties:

- a) Attend each meeting of the Recycling Board.
- b) Prepare an agenda for each meeting.
- c) Appoint a Clerk of the Board to:
 - Notify all Recycling Board members of the time and place of each meeting;
 - Maintain all records of the Recycling Board;
 - Maintain a record of the proceedings of Recycling Board and committee meetings;
- d) Perform other duties directed by law or the Recycling Board. These duties may be delegated as determined necessary by the Executive Director.

Article 3 Meetings of Recycling Board

Section 3-1 **Regular Meetings.** Regular meetings of the Recycling Board will be set by a majority vote of those present and voting. An abstention to vote by any member shall be construed as that member not voting.

Section 3-2 **Special Meetings.** Special meetings of the Recycling Board may be called by order of the President of the Recycling Board or by a majority of the members at a regularly scheduled meeting. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.

Section 3-3 **Adjourned Meetings.** Any regular meeting of the Recycling Board may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular meeting. Any special meeting may also be adjourned, and any adjourned special meeting is part of the special meeting.

- Section 3-4 **Effect of Holiday.** If any meeting day or adjourned meeting day falls on a holiday, the meeting of the Recycling Board shall be rescheduled by the Recycling Board.
- Section 3-5 **Quorum.** A majority of the members of the Recycling Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time pursuant to Section 3-6 of these Rules.
- Section 3-6 **Absence of Quorum.** In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director or a representative shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.
- Section 3-7 **Notice of Meetings.** All meetings of the Recycling Board shall be held subject to the provisions of the Ralph M. Brown Act (California Government Code section 54950 *et seq.*) requiring open and public meetings for the legislative body of a local agency. Agendas will typically be released five (5) days in advance of regular meetings.
- Section 3 -8 **Teleconferencing.** Recycling Board members unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section, but are encouraged to have interim appointees attend in their place. Interims are appointed by the Alameda County Waste Management Authority (WMA) Board for WMA representatives, and by the Alameda County Board of Supervisors for county resident representatives. No more than two Recycling Board members may utilize teleconferencing at a Committee/Recycling Board meeting at no more than two teleconferencing locations. A Board member wishing to utilize teleconferencing for a meeting must notify the Executive Director (or designee) prior to the release of the agenda for that meeting, of the teleconference location. The teleconference location must be accessible to the public. The Executive Director will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a Committee/ Recycling Board meeting where teleconferencing is utilized will be taken by roll call. If more than two members request teleconferencing, the two selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the Recycling Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.
- Section 3-9 **Compensation.** Recycling Board members and interim appointments are compensated in accordance with compensation policies approved by the Recycling Board. Recycling Board members must attend a Recycling Board meeting to be compensated for that meeting.

Article 4 Conduct of Meetings

- Section 4-1 **Order of Business.** The Business of each meeting of the Recycling Board shall be transacted as far as is practicable in the following order:
- (a) Call to order
 - (b) Roll call of attendance
 - (c) Announcements by President
 - (d) Open public comment
 - (e) Approval of minutes of prior meetings (may be included in the consent calendar)

- (f) Consent calendar
- (g) Regular calendar
- (h) Member Comments and communications from the Executive Director; and
- (i) Adjournment

The above order of business may be suspended or changed at any time upon order of the Chair. The consent calendar may contain those matters the nature of which have been determined by the Executive Director to be routine, and items that have been recommended by a Committee for Recycling Board approval, and will be approved by a single action. Any item shall be removed from the consent calendar and placed for discussion on the regular calendar at the request of any member. Recycling Board members who were not in attendance at a meeting but have read the minutes of the meeting may vote in connection with approval of those minutes. The regular calendar shall contain all other matters and business.

Open public comment from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Recycling Board, but not listed on the agenda. Each speaker is limited to three minutes unless a shorter period of time is set by the Chair.

Section 4-2 **Right of Floor.** Any member desiring to speak shall first be recognized by the Chair and shall, with the exception of open public comment period, confine any remarks to the subject under consideration.

Section 4-3 **Ground Rules for Recycling Board and Committee Discussions:**

- a) Speak briefly and to the point.
- b) Focus on solutions rather than positions. If disagreeing, offer an alternative rather than merely stating disagreement.
- c) Seek input from those who have not spoken before anyone speaks a second time on a given agenda item.
- d) Seek group consensus and use voting only when further discussion seems unlikely to change the outcome, or circumstances require an immediate decision.
- e) Consensus on any item shall be stated for the written record by the meeting Chair. All motions shall be stated for the written record prior to voting.
- f) Identify the next step at the end of each agenda item.
- g) The meeting Chair shall prevent personal, verbal attacks on Recycling Board members, staff, or citizens, but shall not prevent criticisms of the policies, procedures, programs or services of the Recycling Board, or the acts or omissions of the Recycling Board or members of the Recycling Board.
- h) The meeting Chair, but no other member, may interrupt a speaker to enforce these rules.
- i) Serious complaints from one Recycling Board member about the behavior of another Recycling Board member shall be first brought to the attention of the Chair.

Section 4-4 **Procedures Regarding Public Hearings and Action Items**

- (a) Introduction
 - 1) Chair announces subject of the public hearings and declares the public hearing open.
 - 2) Chair may set time limit for each speaker and may limit number of appearances per speaker.

- (b) Staff and Written Material Presentation
 - 1.) Staff summary report and other written material included in the agenda packet is received and filed. Written comments (e.g. protest, etc.) are noted for the record.
 - 2.) Written material not in the agenda packet, if any, is received and filed.
 - 3.) Oral staff report, if any, is presented by staff member.
 - 4.) Staff responds to Recycling Board member questions.

- (c) Public Comment
 - 1.) The purpose of this portion of the public hearing is to provide an opportunity to concerned members in the audience who wish to testify in support of or opposition to the matter being heard.
 - 2.) The Chair shall instruct members of the audience:
 - (a) to speak from the podium;
 - (b) to give their name and address before speaking;
 - (c) that repetition should be avoided.
 - 3.) Question by speakers will be noted and addressed prior to Recycling Board deliberation.

- (d) Recycling Board Deliberation
 - 1.) After the Chair has determined that no other member of the audience wishes to speak, the matter is returned to the Recycling Board for deliberation.
 - 2.) The Chair may ask questions of speakers for clarification.
 - 3.) Staff and/or Recycling Board answers prior speakers' questions.
 - 4.) The Recycling Board makes a motion and debates.

- (e) Recycling Board Action
 - 1.) Recycling Board may, at this time, continue the open public hearing.
 - (a) This should be done if any additional information is requested (e.g. a staff report).
 - (b) Continuing a public hearing to a specific date does not require additional notice.
 - 2.) The Recycling Board may:
 - (a) close the public hearings and vote on the item;
 - (b) offer amendments or substitute motions allowing additional public comment; or
 - (c) close the public hearing and continue the matter to a later date for a decision. (No additional reports or testimony may be received after the hearing has been closed).

Section 4-5 **Precedence of Motions**

When a motion is pending before the Recycling Board, no further motion shall be entertained except:

- (a) Motion to Amend – A motion to amend is debatable only as it relates to the amendment.

An amendment which modifies the motion is in order; however, a substitute motion is in order if the intent is changed. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments are voted on first; the main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There shall only be one amending motion on the floor at any one time.

- (b) **Motion to Postpone** – A motion to postpone to a date uncertain is debatable. If such a motion is adopted, the principal question is lost. A motion to postpone to a definite time is subject to debate and amendment only as it relates to propriety of the postponement and time set.
- (c) **Motion to Table** – A motion to table is not debatable and not subject to amendment.
A motion to table is only in order when another item later on the agenda is time-sensitive. The tabled item is taken up for discussion upon completion of the time-sensitive item.

Section 4-6 **Motion to Reconsider**

A motion to reconsider any action taken by the Recycling Board must be made at the same meeting where the item was first voted upon, in accordance with the following:

- (1) The motion must be made by a member who voted on the prevailing side, when the item was first voted upon; and
- (2) The motion is debatable and has precedence over a pending motion.

Section 4-7 **Comments from the Public**

Recycling Board members may ask questions but the Recycling Board shall not discuss or act in connection with such citizen comment, if the subject is not on the agenda for action. A Recycling Board member may, however, refer a subject to staff or other resources for factual information or for action, if appropriate. In addition, members of the public may comment on any item if recognized for that purpose by the meeting Chair. The Chair has full discretion over the time allowed for public input.

Section 4-8 **Parliamentary Rules.** The rules laid down by Rosenberg’s Rules of Order are hereby adopted for this Recycling Board in all cases not otherwise provided for in these rules.

Section 4-9 **Vote Required.** A majority of the total authorized vote of the Recycling Board shall be required for the adoption of the following:

- (a) Adopt the annual work program and budget
- (b) Adopt policies, rules of procedure, etc. for operations of the Recycling Board and staff

A majority vote of those present and voting shall be required for any other action. An abstention to vote by any member shall be construed as that member not voting on a particular matter.

Section 4-10 **Interim Member Vote.** An interim member ²⁰ may vote on any matter under consideration only in the absence of the regular member from the meeting.

Section 4-11 **Roll Call.** Each roll call of the Recycling Board shall be in alphabetical order, except that the Chair shall be called last.

Section 4-12 **Roll Call Votes.** Roll call votes shall proceed in the following manner:

(a) The Chair will direct the Clerk of the Board to report on the Recycling Board members who have joined or left the meeting since the roll call of attendance at the beginning of the meeting;

(b) The Chair will ask for a voice vote on the matter;

(c) If there are no “nay” votes or abstentions, the Chair will direct that the matter be reported as passed unanimously with the names of all Recycling Board members in attendance reported as voting in favor;

(d) If there are any “nay” votes or abstentions, the Chair will direct the Clerk of the Board to call the name of each member and record the vote of the member and then report the total number of “aye,” “nay” and “abstain” votes. The Chair shall be called last.

Section 4-13 **Roll Call Not Required.** The roll need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of objection, the Chair may order the motion unanimously approved.

Section 4-14 **Voting Ineligibility.** Any Recycling Board member attending a Recycling Board meeting and ineligible to vote on any matter under consideration by the Recycling Board at that meeting shall briefly describe the reason for being ineligible and then shall leave the Recycling Board table before the matter is considered and refrain from participation in any action concerning the matter. If the member is ineligible due to a conflict of interest under the Political Reform Act, the member’s disclosure shall include the information required by that Act and the member shall leave the room and not be counted towards a quorum. Notwithstanding the foregoing, a member is not required to leave the Recycling Board table or room for matters that are on the consent calendar.

Section 4-15 **Ex Parte Communications.** 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.

ATTACHMENT 2

APPROVED

**MINUTES OF THE REGULAR MEETING OF THE
PLANNING COMMITTEE
AND
ALAMEDA COUNTY RECYCLING BOARD**

Thursday, December 8, 2022

6:00 P.M.

TELECONFERENCE MEETING

I. CALL TO ORDER

President Zermeño called the meeting to order at 6:00 p.m. Timothy Burroughs explained the virtual meeting process being utilized during the meeting. A link to the process is available here: [Virtual-Meetings-Instructions.](#)

II. ROLL CALL OF ATTENDANCE

Bob Carling, ACWMA
Eric Havel, Environmental Educator
Darby Hoover, Environmental Organization
Dan Kalb, ACWMA
Chiman Lee, Recycling Programs
Grace Liao, Source Reduction Specialist
Laura McKaughan, Recycling Materials Processing Industry
Jaime Patiño, ACWMA
Talia Wise, Solid Waste Industry Representative
Francisco Zermeño, ACWMA

Staff Present:

Timothy Burroughs, Executive Director
Pat Cabrera, Administrative Services Director
Justin Lehrer, Operations Manager
Alma Freeman, Communications Manager
Meri Soll, Senior Program Manager
Meghan Starkey, Senior Management Analyst
Adrienne Ramirez, Assistant Clerk of the Board
Arliss Dunn, Clerk of the Board
Farand Kan, Deputy County Counsel

Others Present:

Elizabeth Carrade, City of Albany
Keith Morin, City of Berkeley
Shannan Young, and Michelle Sung, City of Dublin
James Scanlin, City of Newark
Soren Fajeau, City of Newark
ZeeLaura Page, City of Pleasanton

III. ANNOUNCEMENTS BY THE PRESIDENT

There were none.

IV. OPEN PUBLIC COMMENT

There were no public comments on the remote call and no public comments were received via the public comments email address.

V. CONSENT CALENDAR

- 1. Approval of the Draft Joint WMA, EC and PC & RB Minutes of November 16, 2022**
- 2. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361**
Adopt Resolution #RB 2022-14.
- 3. Board Attendance Record**
- 4. Written Report of Ex Parte Communication**

Board member Patiño moved approval of the Consent Calendar and Board member Carling seconded. The motion carried 7-0-2 for item 1.

(Ayes: Carling, Havel, Hoover, Kalb, Liao, Wise, Zermeño. Nays: None. Abstain: McKaughan, Patiño. Absent: Lee).

The motion carried 9-0 for items 2, 3 & 4.

(Ayes: Carling, Havel, Hoover, Kalb, Liao, McKaughan, Patiño, Wise, Zermeño. Nays: None. Abstain: None. Absent: Lee).

VI. REGULAR CALENDAR

- 1. Expenditure Plan Approvals and Updates for Accumulated Measure D Funds (Meri Soll & Jennifer West)**

Staff recommends that the Recycling Board approve the Expenditure Plans submitted by the Cities of Berkeley and Newark and receive and approve the Expenditure Plan updates by Albany, Dublin and Pleasanton.

Timothy Burroughs introduced the item. Jennifer West provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [Measure-D-Expenditure-Plans-memo.pdf](#)

Staff from the cities of Albany, Berkeley, Dublin, Newark, and Pleasanton were present to answer questions. The Board was provided time for discussion and for clarifying questions. An audio link to the discussion is available here: [Measure-D-Expenditure-Plans](#)

There were no public comments for this item. Board member Cox moved approval of the staff recommendation and Board member Kalb seconded. The motion carried 10-0. The Clerk called the roll:

(Ayes: Carling, Havel, Hoover, Kalb, Lee, Liao, McKaughan, Patiño, Wise, Zermeño. Nays: None. Abstain: None. Absent: None).

- 2. Rules of Procedure for Teleconferencing at Recycling Board Meetings (Timothy Burroughs)**
Staff recommends that the Recycling Board adopt Resolution 2022-15 to remove the limit on the number of Board Members who may utilize teleconferencing for Board and Committee meetings and to incorporate the Just Cause and Personal Emergency provisions of AB 2449.

Timothy Burroughs provided an overview of the staff report. A link to the report is available here: [Teleconferencing-Rules-of-Procedure-memo.pdf](#). The Board was provided additional time for discussion and for clarifying questions. An audio link to the discussion is available here: [Rules-of-Procedure-Discussion](#)

Timothy Burroughs informed the Board that staff presented this item to the Programs & Administration Committee of the WMA Board for discussion and the Committee voted to recommend to the WMA Board a revised motion that the WMA Board adopt a resolution to amend its Rules of Procedure to remove the limit on the number of board members who may utilize teleconferencing for board and committee meetings; to require that board members provide the Clerk of the Board at least six days notice in advance of the affected board meeting if they wish to utilize teleconferencing from a noticed location, to not incorporate the Just Cause and Personal Emergency provisions of AB 2449 into the Rules of Procedure; and that the Board evaluate these changes to the Rules of Procedure in nine months (by July 2023).

There were no public comments on this item. Board member Carling moved to approve the recommendation aligned with the WMA Board and that the Planning Committee and Recycling Board adopt a resolution to amend its Rules of Procedure to remove the limit on the number of board members who may utilize teleconferencing for board and committee meetings; to require that board members provide the Clerk of the Board at least six days notice in advance of the affected board meeting if they wish to utilize teleconferencing from a noticed location, to not incorporate the Just Cause and Personal Emergency provisions of AB 2449 into the Rules of Procedure; and that the Board evaluate these changes to the Rules of Procedure in nine months (by July 2023). Board member Hoover seconded and the motion carried 10-0. The Clerk called the roll: (Ayes: Carling, Havel, Hoover, Kalb, Lee, Liao, McKaughan, Patiño, Wise, Zermeño. Nays: None. Abstain: None. Absent: None).

3. 2023 Meeting Schedule (Timothy Burroughs)

That the Planning Committee and Recycling Board approve the 2023 meeting schedule.

Timothy Burroughs provided an overview of the staff report. A link to the report is available here: [2023-Meeting-Schedule.pdf](#). The Board was provided additional time for discussion and clarifying questions. There were no public comments on this item. Board member Havel moved approval of the 2023 meeting schedule and Board member Wise seconded. The motion carried 10-0. The Clerk called the roll:

(Ayes: Carling, Havel, Hoover, Kalb, Lee, Liao, McKaughan, Patiño, Wise, Zermeño. Nays: None. Abstain: None. Absent: None).

4. Election of Officers for 2023 (Timothy Burroughs)

That the Planning Committee and Recycling Board elect Officers for 2023.

Timothy Burroughs provided an overview of the staff report. A link to the report is available here: [2023-Election-of-Officers.pdf](#). The Board was provided additional time for discussion and clarifying questions. There were no public comments on this item. Board member McKaughan nominated Board member Havel to serve as Second Vice President. There were no further nominations. Board member McKaughan moved approval of the slate of officers for 2023; Board member McKaughan, President, Board member Kalb, First Vice President, and Board member Havel, Second Vice President. Board member Kalb seconded. The motion carried 10-0. The Clerk called the roll: (Ayes: Carling, Havel, Hoover, Kalb, Lee, Liao, McKaughan, Patiño, Wise, Zermeño. Nays: None. Abstain: None. Absent: None).

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Mr. Burroughs announced that the 2023 grant solicitation will kick off on January 12, 2023. There is \$1.1 million available in multiple focus areas such as waste prevention, reuse, and recovery of food, goods and materials as well as development, marketing, and use of recovered products. Staff will provide additional information to the Board as well as outreach tools to help disseminate the opportunity.

Mr. Burroughs encouraged the board to check out the Agency's Stop Food Waste blog, which provides monthly seasonal tips, recipes, and stories about how to get the most out of food and waste less in our homes and communities. More information on how to subscribe is available at www.stopfoodwaste.org/subscribe.

Board member Hoover announced that NRDC's Savethefood.com is another resource for not wasting food.

VIII. ADJOURNMENT – to January 12, 2023 at 4:00 pm.

The meeting adjourned at 7:03 p.m.