



DATE: November 16, 2022

TO: Waste Management Authority Board

FROM: Timothy Burroughs, Executive Director

SUBJECT: Appointments to fill upcoming vacancies on the Recycling Board

SUMMARY

Board members Deborah Cox and Dave Sadoff will each complete their second 2-year term on the Recycling Board in November 2022, thereby creating two vacancies. The Waste Management Authority (WMA) Board may make new appointments to the Recycling Board within two months of when the vacancies occur. As such, the Board could decide to make the two appointments at its November 16, December 14, 2022 or January 25, 2023 Board meeting.

DISCUSSION

The eleven-member Recycling Board includes six county resident experts appointed by the Alameda County Board of Supervisors and five members of the WMA Board. As of December, there will be two vacancies on the Recycling Board. The WMA Board is responsible for appointing Board members to fill the vacancies. Per Measure D, which is the county charter amendment that created the Recycling Board, the WMA Board must fill any vacancies within two months, which means that the Board could appoint new members at its November 16, December 14, 2022, or January 25, 2023 meeting. Measure D does not allow for temporary appointments to the Recycling Board or for a member to serve beyond two 2-year terms.

If the WMA Board fails to make an appointment by its January 25 meeting, authority to make the appointment would transfer to the County Board of Supervisors, in consultation with a double majority of the cities, per Section 64.130 D.6 of Measure D.

Any WMA member may serve on the Recycling Board as long as they have not previously served on the Board.

The Recycling Board meets the second Thursday of each month at 4 p.m. or 6 p.m. Meetings are normally held either at StopWaste's offices or at different locations in each of the five supervisorial districts, although meetings have been held remotely during the COVID-19 state of emergency. Schedule and location of meetings are distributed at the beginning of each calendar year. A Recycling Board FAQ document is attached for reference.

The Board may wish to consider geographic diversity of the appointments. However, there is no requirement for geographic diversity.

The other WMA Board members currently serving on the Recycling Board are Bob Carling (Livermore), Dan Kalb (Oakland) and Francisco Zermeño (Hayward). Board member Zermeño's term on the Recycling Board ends in January 2023, and so staff will request that the WMA Board fill an additional vacancy in January.

RECOMMENDATION

Staff recommends that the WMA Board fill two vacancies on the Recycling Board by January 25, 2023.

Attachment: Recycling Board FAQs

Recycling Board/Measure D

FAQ's

WHAT IS THE RECYCLING BOARD AND MEASURE D?

The Alameda County Source Reduction and Recycling Board was created in 1990 by the voters of Alameda County through a County Charter amendment ballot initiative, Measure D (official name: The Alameda County Waste Reduction and Recycling Initiative Charter Amendment). The intention of the Measure was to ensure that the county meet & surpass CA AB 939 mandates of reducing the amount of waste sent to landfill by 50 percent by the year 2000.

The Recycling Board is responsible for programs that promote source reduction, recycling, recycled product procurement, market development, and grants to nonprofit waste reduction enterprises.

WHAT IS THE MEASURE D FEE AND HOW MUCH MONEY DOES IT GENERATE?

Program funding for Measure D related work is provided by a per-ton disposal surcharge (currently \$8.23/ton) at the Altamont and Vasco Road landfills.

On average, about \$9 million a year is collected through Measure D fees. The fee is applied to:

- All solid waste tons disposed within the unincorporated county of Alameda. The fee is paid by the landfill.
- "Municipally controlled" discards (wastes for which the municipality establishes the rates for collection or disposal) landfilled outside unincorporated Alameda County, where arrangements have been made for the fee to be paid by the municipally contracted hauler.

HOW IS THE MONEY USED?

The Recycling Board is required to distribute 50 percent of monies collected to participating "municipalities," the 14 cities and two sanitary districts. Funds are distributed quarterly, based on a per capita (population based) formula.

The County of Alameda receives five percent of Measure D funds to implement a Recycled Product Purchase Preference program at the county and provide support to member agencies on RPP.

The Recycling Board keeps 45 percent of the monies for Measure D programs managed by StopWaste, including:

- Grants to Nonprofits

- Source Reduction Programs
- Recycled Product Market Development
- Discretionary and Administration

WHAT DO THE MEMBER AGENCIES DO WITH THEIR SHARE?

The original intent for Measure D usage for member agencies was to continue and expand municipal recycling programs. A very broad overview of eligible Measure D expenses broken down by categories and general types of expenses has been available to member agencies, below:

Categories

- Recycling, composting
- Source reduction
- Market development
- Recycled product procurement
- Public education/outreach

Allowable uses relating to 4Rs (reduce, reuse, recycle, rot [compost])

- Administrative overhead (staffing)
- Capital assets
- Consultants and contractors
- Events
- Promotional materials, supplies
- Other costs legitimately connected to waste reduction

However, due to the constantly evolving nature of recycling programs and related conservation programs, many types of expenses have been approved over the years on a case-by-case basis.

WHO CHECKS TO MAKE SURE MEASURE D FUNDS ARE USED APPROPRIATELY?

The Recycling Board is required to contract for an audit to determine compliance with Measure D every five years, aka The Five Year Audit (which is broken out by finance/compliance and programmatic analysis). The finance/compliance portion is conducted in three- and two-year segments to make it easier for municipalities to respond to audit requests).

The recent Five Year Audit recommended that staff develop a more comprehensive list of eligible and non-eligible Measure D Expenses to provide member agencies with a written source guidance document for reference & advanced planning/budgeting.

WHO IS REPRESENTED ON THE BOARD, HOW ARE THEY SELECTED, AND WHAT ARE THE TERMS OF SERVICE?

The eleven-member Recycling Board includes six citizen experts appointed by the Alameda County Board of Supervisors and five elected officials from the Alameda County Waste Management Authority. Terms are for two years with a maximum of two consecutive terms for each member. Recycling Board members must attend 75 percent of regular meetings and may not miss two consecutive monthly meetings in a calendar year or their seat is vacated.

The Board of Supervisors appointments include the following six categories:

- A representative of an organization engaged primarily in operating recycling programs within Alameda County
- A source reduction specialist with substantial experience as such
- A representative of the recyclable materials processing industry
- A representative of the solid waste industry
- A representative of an environmental organization with a significant membership active in recycling issues within Alameda County; and
- An environmental educator employed as such on a full-time basis.

Board members must be residents of Alameda County, and no two employees or representatives of the same for-profit company may serve simultaneously.

WHAT ROLES DO THE RECYCLING BOARD SERVE?

- The Recycling Board acts as the Planning Committee of the Alameda County Waste Management Authority
- The Recycling Board oversees the administration and implementation of Measure D activities
- The Recycling Board serves as the Local Task Force mandated by CA Public Resources Code 40950

WHEN AND WHERE DOES THE RECYCLING BOARD MEET?

The Recycling Board meets the second Thursday of each month at 4 p.m. or 6 p.m. Meetings are held either at StopWaste's offices or at different locations in each of the five supervisorial districts. Schedule and location of meetings are distributed at the beginning of each calendar year.