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**MINUTES OF THE JOINT MEETING OF THE  
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA) BOARD,  
THE ENERGY COUNCIL (EC),  
AND THE SOURCE REDUCTION AND RECYCLING BOARD (RB)**

**Wednesday, December 16, 2015**

**3:00 P.M.**

**StopWaste Offices  
1537 Webster Street  
Oakland, CA 94612  
510-891-6500**

**I. CALL TO ORDER**

First Vice President Kalb, WMA, called the meeting to order at 3:05 p.m.

**II. ROLL CALL**

**WMA or EC or RB, as noted**

County of Alameda	Keith Carson, WMA, EC
City of Alameda	Jim Oddie, WMA, EC
City of Albany	Peter Maass, WMA, EC, RB
City of Berkeley	Susan Wengraf, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Don Biddle, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC, RB
City of Fremont	Suzanne Lee Chan, WMA, EC
City of Hayward	Greg Jones, WMA, EC, RB
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Tim Rood, WMA, EC, RB
City of San Leandro	Pauline Cutter, WMA, EC
City of Union City	Lorin Ellis, WMA, EC

**Absent:**

City of Pleasanton	Jerry Pentin, WMA, RB
City of Livermore	Laureen Turner, WMA

**Recycling Board only:**

Environmental Educator	Toni Stein
Environmental Organization	Daniel O'Donnell
Recycling Materials Processing Industry	Bernie Larrabe
Recycling Programs	Adan Alonzo
Solid Waste Industry Representative	Michael Peltz
Source Reduction Specialist	Steve Sherman

**Staff Participating:**

Gary Wolff, Executive Director  
Wendy Sommer, Deputy Executive Director  
Pat Cabrera, Administrative Services Director  
Meri Soll, Senior Program Manager  
Richard Taylor, Counsel, Authority Board  
Arliss Dunn, Clerk of the Board

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**Others Participating:**

Ruth Abbe, Zero Waste USA, Measure D Committee, Former Recycling Board Member  
Arthur Boone, Former Recycling Board Member  
Allison Chan, Save the Bay  
Gayle Lillian, Oakland Indie Alliance

**III. ANNOUNCEMENTS BY THE PRESIDENTS**

There were none.

**IV. CONSENT CALENDAR (WMA, EC & RB)**

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| <b>1. Approval of the Draft Minutes of November 18, 2015 (WMA &amp; EC-Separate Votes) (Gary Wolff)</b>                        | <b>Action</b>      |
| <b>2. Approval of the Draft Minutes of November 12, 2015 (RB only) (Wendy Sommer)</b>  | <b>Action</b>      |
| <b>3. Grants Under \$50,000 (WMA only) (Gary Wolff)</b>  | <b>Information</b> |
| <b>4. Minutes of the November 17, 2015 Technical Advisory Group (TAG) (EC only) (Gary Wolff, Wendy Sommer &amp; Karen Kho)</b> | <b>Information</b> |
| <b>5. Recycling Board Attendance Record (RB only) (Wendy Sommer)</b>   | <b>Information</b> |
| <b>6. Written Report of Ex Parte Communications (RB only) (Wendy Sommer)</b>   | <b>Information</b> |

Board member Young made the motion to approve the Consent Calendar for the WMA Board. Board Member Sadoff seconded and the motion carried 14-0 (Chan, Carson, Ellis, Pentin and Turner absent).

Board member Cutter made the motion to approve the Consent Calendar for the Energy Council. Board member Maass seconded and the motion carried 13-0 (Chan, Carson, and Ellis absent).

Board member Maass made the motion to approve the Consent Calendar for the Recycling Board. Board member Alonzo seconded and the motion carried 7-0 (Rood, Pentin, Sherman and Stein absent). (Board member Rood was absent from the room during the vote).

**V. OPEN PUBLIC DISCUSSION (WMA, EC & RB)**

Arthur Boone commented that there have been major improvements with the waste diversion and recycling processes for the City of San Ramon's Art and Wind Festival. Last year, 91% of materials by weight was diverted from the landfill.

**VI. REGULAR CALENDAR (WMA, EC & RB)**

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| <b>1. The State Water Resources Control Board Drought Response Outreach Program for Schools– Resolution to Accept Grant and Amend FY15/16 Budget (WMA only) (Gary Wolff, Cassie Bartholomew &amp; Kelly Schoonmaker)</b> | <b>Action</b> |
|--|---------------|

Staff recommends that the Waste Management Authority Board adopt the attached Resolution accepting the State Water Resources Control Board, Division of Financial Assistance DROPS grant funds and authorize the Executive Director to enter into an agreement with The State of California, approve the FY 15/16 mid-year budget adjustment adding \$1,491,503, and other related actions.

Wendy Sommer provided an overview of the staff report. The report is [DROPS Grant 12-16-15](#).

Board member Alonzo inquired as to the reason that of the 13 cities only Oakland and Piedmont school districts are participating. Ms. Sommer stated that Oakland and Piedmont were the districts that were most qualified and further along with their plans and curriculum. Ms. Sommer added there was a quick turnaround for the grant application process and we're hoping that we can replicate the programs and incorporate other school districts in the county.

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Board member Wengraf made the motion to approve the resolution. Board member Cutter seconded and the motion carried 15-0. A roll call was required for the action.

**Ayes:** Biddle, Chan, Cutter, Hannon, Jones, Kalb, Martinez, Maass, Oddie, Rood, Sadoff, Wengraf, Young.

**Nays:** None. **Abstain:** None. **Absent:** Carson, Ellis, Pentin, Turner.

**2. Mid-Year Budget Adjustments (WMA, EC & RB) Action**  
**(Gary Wolff, Pat Cabrera & Gina Peters)**

Staff recommends that the Authority Board at its December 16, 2015 meeting adopt the proposed mid-year budget revisions as they pertain to the Authority Board's operations and as outlined in the attached resolution (Attachment A). Staff recommends that the Energy Council at its December 16, 2015 meeting adopt the proposed mid-year revisions as they pertain to the Energy Council and as outlined in the attached resolution (Attachment B). Staff further recommends that the Recycling Board at its December 16, 2015 meeting adopt the proposed mid-year budget revisions as they pertain to Recycling Board operations and as outlined in the attached resolution (Attachment C).

Pat Cabrera provided an overview of the staff report. The report is available here: [Mid-Year Budget Adjustments](#)

Board member Cutter inquired about the additional expense of the bag expansion with respect to the mid-year budget. Mr. Wolff stated that the budget adopted in July includes the expense for activities to investigate both options to include or not include restaurants in the bag expansion. Board member Biddle inquired about the mid-year budget and its impact on the budget projections presented. Mr. Wolff stated that the revenue correction was included in the scenario presented to the Board last month. Ms. Cabrera added the agency's core expenditures are unchanged, however the core budget increased due to grants approved prior to the mid-year as well as the grant approved today. Projected core revenues still exceed core expenditures.

Board member Chan made the motion to approve the staff recommendation and adopt the attached resolution (Attachment A) for the WMA Board. Board member Sadoff seconded and the motion carried 17-0 (Ellis, Pentin and Turner absent).

Board member Wengraf made the motion to approve the staff recommendation and adopt the attached resolution (Attachment B) for the Energy Council. Board member Rood seconded and the motion carried 17-0 (Ellis, absent).

Board member Maass made the motion to approve the staff recommendation and adopt the attached resolution (Attachment C) for the Recycling Board. Board member Rood seconded and the motion carried 10-0 (Pentin absent).

**3. Reusable Bag Ordinance 2012-2: Update - Potential Expansion Activities and Next Steps (WMA only) (Wendy Sommer & Meri Soll) Action**

Staff recommends that the WMA select one of the options described above with respect to possible expansion of WMA Ordinance 2012-02 (no further action, consider expansion to all retail stores, or consider expansion to all retail stores plus all restaurants). Although the Recycling Board does not have the authority to adopt ordinances and cannot vote on this item, their participation in discussion of the recommendation is important because WMA funding of ordinance expansion potentially increases the financial burden on the Recycling Board for other waste reduction activities.

Meri Soll provided an overview of the staff report and presented a PowerPoint presentation. The combined report and presentation is available here: [Reusable Bag Expansion-12-16-15](#)

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Board member Martinez inquired if there are ordinances that charge at retail establishments but not for paper bags at restaurants. Ms. Soll stated that all of the ordinances that affect restaurants (with the exception of San Francisco) charge for paper bags at retail establishments but not at restaurants. Ms. Soll added the staff report includes a synopsis of all of the ordinances. Board member Kalb inquired if there are categories of stores that are meaningfully different that we or other jurisdictions have identified separate from restaurants. Ms. Soll stated that included in the staff report is information on how retail establishments are coded or identified; other jurisdictions have phased in smaller to larger stores but not by type as it creates confusion for the consumer.

Board member Biddle stated that it would be more appropriate if the Clean Water program would fund the initial implementation cost of \$350,000 and the agency assume the ongoing expenses. Ms. Soll stated that we shared with the Clean Water program what our program costs would be and they were able to allocate \$180,000 toward the program. Board member Martinez inquired if projected program costs would remain flat FY 18/19. Ms. Soll stated in theory yes, however it depends on the option selected, i.e. an additional 9,000 stores or 4,000 restaurants as well as the success of the complaint based enforcement program.

Board member Stein inquired if there is data on establishments that offer recycled content reusable bags and if there is movement to require recycled content. Ms. Soll stated that if SB270 passes, it will include requirements for recycled content that will be phased in over time as well. However it is not a requirement of our ordinance. Board member Chan inquired if we have used up the \$75,000 that was approved for expansion activities. Ms. Soll stated no, we have used approximately \$35,000 for contractors and hard costs. The \$30,000 listed in the mid-year budget associated with the bags project identifies the vendor selected for outreach activities, separate from the budget for expansion. Board member Chan inquired if revenue from fines is allocated locally or towards the agency. Mr. Wolff stated revenue from fines is allocated towards the agency and the Board can direct to spend it toward the mission of the agency. Board member Rood inquired regarding the cost to restaurateurs for the compliant reusable bag or paper bag as opposed to the single use bags currently being used. Gayle Lillian, Oakland Indie Alliance, stated that she only uses brown brown paper bags and charges \$.02 - \$0.6 per bag and occasionally uses a large paper bag for \$.10 so the reusable bag probably cost significantly more. Board member Hannon recommended that we look at recouping the cost of inspections for investigating violations. He also suggested revisiting the definition of the description of the plastic bag.

Allison Chan, Save the Bay, commented that Save the Bay supports option 2 to expand to all retail including restaurants. She additionally encouraged staff to consult with merchant associations.

Board member Wengraf made a motion to adopt option 2b which includes expansion to all retail stores and restaurants with a phase-in approach for restaurants (timeframe to be determined). Board member Cutter seconded the motion.

Staff clarified that staff will come back to the Board in March 2016 with draft ordinance language to consider. Board members will then have from April-July to discuss with their respective governing board and city council members. Staff will continue to do leg work until the 1<sup>st</sup> and 2<sup>nd</sup> readings of the Ordinance (September and October) and implementation of the ordinance would not occur until April 2017. Board member Chan stated that the requirements for the stormwater compliance with restaurants are already challenging so additional expansion could pose further challenges. Additionally, there was scant participation at the regional meetings held so additional outreach to restaurants would be necessary, as well as an opt-out provision in the ordinance for member agencies. Board member Peltz commented with regard to a phase in process that staff indicated that it would be more efficient to do everything at once and it would cause less confusion with respect to who is eligible or not.

Board member Young stated that she has concerns regarding unintended consequences of the cities situated on the border that do not participate in the ordinance and recommended working on the State ordinance to create equity and not impose additional cost to businesses. However, she will support the

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ordinance with the provisions and caveats such as the phase-in process as well as other information from staff due diligence.

The WMA Board voted 18-0 (Pentin and Turner absent) in favor of the motion by Board member Wengraf to adopt option 2: to expand to all retail and restaurants, with a phase-in approach for restaurants (with a timeframe to be determined) and an opt out provision for member agencies. Board member Cutter seconded the motion.

**4. 2016 Meeting Schedule (WMA, EC & RB) (Gary Wolff & Wendy Sommer) Action**

Adopt the Meeting Schedule for 2016.

Board member Sadoff made the motion to approve the 2016 Meeting Schedule for the WMA. Board member Rood seconded and the motion carried 18-0 (Pentin, and Turner absent).

Board member Rood made the motion to approve the 2016 Meeting Schedule for the Recycling Board. Board member Maass seconded and the motion carried 10-0 (Pentin absent).

**5. Election of Officers for 2016 (RB only) (Wendy Sommer) Action**

Elect Officers for 2016.

Board member Stein made the motion to accept the nomination of Board member Martinez as the Second Vice President and WMA Appointee to the Recycling Board for 2016. Board member Jones seconded and the motion carried 10-0 (Pentin absent). Board member Maass made the motion to accept the slate of officers for 2016. Board member Alonzo seconded and the motion carried 10-0 (Pentin absent). The slate of officers for 2016 is as follows; Board member Rood, President, Board member Stein First Vice President, and Board member Martinez, Second Vice President.

**6. Statement of Impact of Loss of SF Import Mitigation Revenue (WMA only) (Gary Wolff) Action**

Staff recommends that the Waste Management Authority Board adopt the attached Resolution.

Gary Wolff provided an overview of the staff report. The report is available here: [Statement of Impact-12-16-15](#)

Board member Peltz was asked to remove himself from the table during the discussion to remove any appearance of conflict of interest although the Recycling Board is not required to vote on the item.

Board member Kalb inquired as to why the Board is being asked to provide a resolution if the statement is informational. Mr. Wolff replied that a Board resolution is not necessary and he as Executive Director could have issued a declaration but he will not be here in the future. Mr. Wolff stated that he and Wendy Sommer consulted with Authority Counsel and he indicated that a resolution will serve the purpose. Board member Hannon inquired if there is pending litigation will the resolution support the case. Mr. Wolff stated no, the resolution does not take a position on any pending litigation. It is primarily a statement of fact.

Board member Cutter made the motion to approve the resolution. Board member Ellis seconded and the motion carried 16-0 (Carson, Pentin, and Turner absent).

**7. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (WMA only) Action**

(P&O and Recycling Board meeting, January 14, 2016 at 4:00 pm – StopWaste Offices, 1537 Webster Street, Oakland, CA)

There were no requests for interim appointments.

**VII. COMMUNICATION/MEMBER COMMENTS (WMA, EC & RB) Information**

- ♦ Acknowledgement of Outgoing Members and Officers
- ♦ Special Presentation - 25 Years of Measure D

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Gary Wolff presented recycled glass content gifts to Board members in recognition of the following contributions and services to the Board:

Board member O'Donnell for his service as President of the Recycling Board for 2015.

Board member Cutter on her last day as the WMA representative for the City of San Leandro.

Board members Freitas and Carson (in their absence) for their continuous service on the Board and support when Mr. Wolff was hired as Executive Director in 2008.

Ruth Abbe provided a special PowerPoint presentation on 25 Years of Measure D. The presentation is available here: [Measure D 25](#)

### **VIII. ADJOURNMENT (WMA, EC & RB)**

The meeting adjourned at 4:50 p.m.