

DRAFT

**MINUTES OF THE MEETING OF THE
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA) BOARD
AND
ENERGY COUNCIL (EC)**

Wednesday, March 24, 2021

3:00 P.M.

TELECONFERENCE MEETING

I. CALL TO ORDER

President Cox called the meeting to order at 3:00 p.m. Wendy Sommer explained the process that would be utilized during the meeting. A link to the process is available here: [Virtual-Meetings-Instructions](#)

II. ROLL CALL OF ATTENDANCE

WMA & EC

County of Alameda	David Haubert, WMA, EC
City of Alameda	Trish Herrera Spencer, WMA, EC
City of Albany	Preston Jordan, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
City of Dublin	Melissa Hernandez, WMA, EC (President)
City of Fremont	Jenny Kassan, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC
City of Hayward	Francisco Zermeño, WMA, EC
City of Livermore	Bob Carling, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Jen Cavanaugh, WMA, EC
City of Pleasanton	Jack Balch, WMA, EC
City of San Leandro	Deborah Cox, WMA (President), EC
City of Union City	Jaime Patiño, WMA, EC

Absent

Castro Valley Sanitary District	Dave Sadoff, WMA
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Staff Participating

Wendy Sommer, Executive Director
Timothy Burroughs, Deputy Director
Pat Cabrera, Administrative Services Director
Jeff Becerra, Communications Manager
Justin Lehrer, Operations Manager
Karen Kho, Principal Program Manager
Candis Mary-Dauphin, Program Manager
Ben Cooper, Program Manager
Jennifer West, Program Manager
Arliss Dunn, Clerk of the Board
Richard Taylor, WMA Legal Counsel

Others Participating

Jason Schmelzer, Shaw Yoder Antwih Schmelzer & Lange
Priscilla Quiroz, Shaw Yoder Antwih Schmelzer & Lange

III. ANNOUNCEMENTS BY PRESIDENTS

There was none.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

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

V. CONSENT CALENDAR

1. Approval of the Draft WMA & EC Minutes of March 24, 2021 (Wendy Sommer)

There were no public comments for the Consent Calendar. Board member Jordan made the motion to approve the Consent Calendar. Board member Zermeño seconded and the motion carried 18-0: The Clerk called the roll:

(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kalb, Kassan, Martinez, Spencer, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: Patiño, Sadoff)

VI. REGULAR CALENDAR

1. Legislative Positions for 2021 (Jeff Becerra)

Adopt positions on the bills and ballot initiative listed in the staff report.

Jeff Becerra provided an overview of the staff report. Jason Schmelzer and Priscilla Quiroz, agency lobbyists, were present and available to answer questions. A link to the staff report is available here: [2021-Legislative-Positions.pdf](#).

Board members discussed AB 339, the bill that expands certain requirements for state and local government open meetings. The consensus among board members was support for more open and accessible public meetings and supported the position of watch. Board members asked that staff offer comments that translation services be provided upon request. Board members were also concerned about any unfunded mandates. Board member Kalb inquired with regard to the ballot initiative, the CA Recycling and Plastic Pollution Reduction Act, if the language in the initiative would prohibit local jurisdictions from totally phasing out plastic foodware. Mr. Becerra stated that the measure does not include pre-emption language. Staff will consult with legal counsel for clarification and confirmation of any restrictions on local jurisdictions. Board member Kalb stated that the agency should not adopt a position on the legislation until there is clarity on this issue. Board member Spencer stated that she would like to have more information on any taxes that would be associated with the initiative. Board member Jordan inquired as to why the agency is taking a watch position on SB 68. Ms. West stated that although we support the concept of the bill, the language in the bill is still being finalized. Board member Jordan inquired about SB 45. Ms. West stated that including the non-energy benefits in the legislation would enable us to reach a larger section of the population in California. President Cox stated that she would inform Assembly member Quirk that the agency has a support position for AB 332.

There were no public comments on this item. Board member Kalb made the motion to adopt the legislative positions on the bills but to reserve a position on the ballot initiative until staff provides a

legal analysis regarding the issue of pre-emption for local jurisdictions. Board member Hannon seconded and the motion carried 19-0. The Clerk called the roll:

(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kalb, Kassan, Martinez, Patiño, Spencer, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: Sadoff)

2. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arless Dunn) (WMA only)

(The April 8, 2021 Planning Committee and Recycling Board meeting will not be held in lieu of a joint meeting of the WMA Board, Energy Council, and Recycling Board on Wednesday, April 28, 2021 at 3:00 p.m.)

3. Bay Area Air Quality Management District Multifamily Electric Vehicle Pilot (Candis Mary Dauphin & Ben Cooper) (EC only)

Adopt the attached Resolution authorizing the Executive Director to enter into a 2021 contract of \$70,000 for implementation of the BAAQMD contract and other related actions.

Candis Mary-Dauphin provided an overview of the staff report. A link to the report is available here: [BAAQMD-Electric-Vehicle-Pilot.pdf](#)

Board member Wengraf commented that the City of Berkeley recently adopted no parking minimums and as cities do away with parking minimums, charging of electric vehicles will become more challenging as there will be no place to charge them off-street. Board member Jordan commented that the City of Albany recently approved a 14-unit building with no on-street parking and there is an existing 4-unit building that had on-street parking removed as well and although it is within four blocks of the BART station, residents raised the issue. Board member Jordan asked for clarification regarding the scope of work with regard to funding only for technical assistance and permit fees. Ms. Mary-Dauphin stated yes, the funding is for technical assistance and does not include funding for rebates. However, they are trying to create a pipeline so that some of the projects may apply to rebate programs. Board member Jordan inquired if the rebate programs will be financially feasible enough that property owners would be interested in participating. Ms. Mary-Dauphin stated that these are some of the learnings that they are hoping to gather. Board member Carling inquired if they have identified specific locations for projects. Ms. Mary-Dauphin stated that the boundaries have not been specifically defined and that they are working with the Air District to determine specific locations. Board member Zermeño stated that it would be great to target projects in lower income areas and he's pleased to see that the pilot includes a focus on equity and that Eco is a black, woman-owned consultancy. Board member Martinez stated that over the past couple of years, the City of Emeryville moved to parking minimums with exceptions to disabled parking and electric vehicle charging.

There were no public comments on this item. Board member Wengraf made the motion to approve the staff recommendation. Board member Zermeño seconded and the motion carried 20-0: The Clerk called the roll:

(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kalb, Kassan, Martinez, Patiño, Spencer, Wengraf, Zermeño. Nays: None. Abstained: None. Absent: None)

4. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Ms. Sommer informed the board of a statewide conference on illegal dumping and that staff would email the link containing the information.

The Board adjourned to closed session at 4:15 p.m. and returned to open session at 4:38 p.m.

VI. CLOSED SESSION (WMA only)

- 1. CONFERENCE WITH LEGAL COUNSEL— ANTICIPATED LITIGATION**
Initiation of litigation pursuant to Section
54956.9(d)(4): (1 potential case)

- 2. Pursuant to Government Code Section 54957.6**
CONFERENCE WITH LABOR NEGOTIATORS
Agency Designated Representatives: Board Members Cox, Young, and Martinez
Unrepresented Employee: Executive Director

There were no reportable actions from the closed sessions.

VII. ADJOURNMENT

The meeting was adjourned at 4:40 p.m.