

DRAFT

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

Wednesday, March 28, 2018

3:00 P.M.

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

**Teleconference
Tim Rood
San Jose City Hall
3rd Floor Tower
200 East Santa Clara St
San Jose CA 95113
408-535-8122**

I. CALL TO ORDER

President Mike Hannon, WMA, called the meeting to order at 3:01 p.m.

II. ROLL CALL OF ATTENDANCE

WMA & EC:

County of Alameda	Keith Carson, WMA, EC
City of Alameda	Jim Oddie, WMA, EC
City of Albany	Peter Maass, WMA, EC
City of Berkeley	Kriss Worthington, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Emeryville	Dianne Martinez, WMA, EC
City of Hayward	Sara Lamnin, WMA, EC
City of Livermore	Bob Carling, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Tim Rood, WMA, EC
City of Pleasanton	Jerry Pentin, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of San Leandro	Deborah Cox, WMA, EC
City of Union City	Lorin Ellis, WMA, EC

ABSENT:

City of Dublin	Vacant
City of Fremont	Vinnie Bacon, WMA, EC

Staff Participating:

Tom Padia, Deputy Executive Director
Patricia Cabrera, Administrative Services Director
Jeff Becerra, Communications Manager
Richard Taylor, WMA Legal Counsel
Tamara Galanter, WMA Legal Counsel
Ellison Folk, Shute, Mihaly & Weinberger, LLP
Arliss Dunn, Clerk of the Board

III. ANNOUNCEMENTS BY PRESIDENTS

President Hannon reordered the agenda to hear Item #V.2 before the Closed Session items. President Hannon provided comments and thanked the Board members and staff that attended the Women’s Hall of Fame induction ceremony for Executive Director Wendy Sommer. President Hannon encouraged Board members to attend the next event as it offers the opportunity to recognize women that are leaders in their field of expertise. President Hannon showed a video clip of Ms. Sommer’s induction interview. A link to the video is available here: [Sommer-WHOF-Interview-2018](#)

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

There was none.

V. CONSENT CALENDAR

1. Approval of the Draft Minutes of February 28, 2018 (Wendy Sommer)

2. Board Per Diem Policy (Wendy Sommer)

The Programs and Administration Committee recommends that the Waste Management Authority Board approve the attached resolution.

There were no public comments for the consent calendar. Board member Young made the motion to approve the Consent Calendar. Board member Lamnin seconded and the motion carried 14-0-1 for the 02/28/18 minutes: (Ayes: Carling, Carson, Cox, Ellis, Hannon, Lamnin, Maass, Martinez, Oddie, Pentin, Sadoff, Worthington, Young. Nays: None. Abstain: Rood. Absent: Bacon, Kalb, Dublin vacant).

The motion carried 15-0 for the Board Per Diem Policy: (Ayes: Carling, Carson, Cox, Ellis, Hannon, Lamnin, Maass, Martinez, Oddie, Pentin, Rood, Sadoff, Worthington, Young. Nays: None. Abstain: None. Absent: Bacon, Kalb, Dublin vacant).

VI. REGULAR CALENDAR

The Board adjourned to Closed Session at 3:14 p.m. and returned to open session at 3:43 p.m.

1. CLOSED SESSION

**CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION – 1 Case
(Government Code section 54956.9(d)(1))**

Name of case: A.W. Stein & A.R. Boone v. Alameda County Waste Management Authority
(Alameda County Superior Court Case No. RG17858423)

There was nothing to report from closed session Item #1.

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION – 1 Case
Initiation of litigation
(Government Code Section 54956.9(d)(4))

The Board voted unanimously to authorize the initiation of litigation and that litigation will be disclosed once it has been filed. The unanimous vote was as follows:

(Ayes: Carling, Carson, Cox, Ellis, Hannon, Kalb, Lamnin, Maass, Martinez, Oddie, Pentin, Rood, Sadoff, Worthington, Young)

2. Proposed Pension Liability Paydown (Pat Cabrera & Todd High) –

Staff recommends that the WMA Board approve the attached resolution that includes the following provisions:

1. Authorize staff to make a lump-sum payment to CalPERS towards the Agency's unfunded pension liability in the amount of \$4,129,000 using the following funding sources: \$3,441,987 from the Transportation Improvement Plan (TIP) Reserve, \$100,000 from the Pension Reserve, and \$587,013 from the Fiscal Reserve. This payment to CalPERS will be made no later than April 4, 2018.
2. Eliminate the TIP Reserve
3. Upon receipt of the one-time payment from NextERA for the conservation easement, authorize staff to repay the Fiscal Reserve with the remainder of the payment going to the Pension Reserve.

This item was heard prior to the closed session items. Pat Cabrera provided an overview of the staff report. A link to the report is available here: [Proposed-Pension-Liability-Paydown-03-28-18.pdf](#)

Board member Carling inquired about the timeline for receiving the payment from NextERA. Ms. Cabrera stated that she is unsure of when the payment will be received. Board member Maass requested a reminder regarding the TIP reserve. Ms. Cabrera stated that the TIP (Transportation Improvement Plan) Reserve was established in 1993 and was designed to mitigate roadway impacts from disposal delivery from San Francisco to the Altamont Landfill. Board member Sadoff inquired about the increase in the Agency's unfunded pension liability payment of \$3.6 million previously discussed to \$4.1 million currently proposed. Ms. Cabrera stated that the original estimate was a ballpark figure from the PERS actuary but once staff received support from the committees to move forward with making the lump sum payment staff worked with the actuary to refine those figures to get closer to the 90% funded level. There was no public comment on this item.

Board member Worthington made the motion to approve the staff recommendation. Board member Pentin seconded and the motion carried 18-0. (Carling, Carson, Cox, Ellis, Hannon, Kalb, Lamnin, Maass, Martinez, Oddie, Pentin, Rood, Sadoff, Worthington, Young. Nays: None. Abstain: none. Absent: Bacon, Dublin vacant).

3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer)

(The April 12, 2018 Planning Committee and Recycling Board meeting is cancelled in lieu of a joint meeting of the WMA Board, Energy Council, and Recycling Board on April 24, 2018 at 3:00 p.m. at StopWaste offices, 1537 Webster St., Oakland, CA)

There were no requests for an interim appointment. The meeting date was corrected to state April 25, 2018.

VII. COMMUNICATION/MEMBER COMMENTS

Tom Padia notified the Board that Wendy Sommer was unable to attend the meeting due to a family medical issue. Mr. Padia announced that the April 5th Technical Advisory Committee (TAC) meeting will feature guest speakers talking about the current China import policies and potential impacts on rates and programs and outreach messaging. Featured speakers will include a broker of international recycling commodities, and a group of haulers and processors from within Alameda County. Mr. Padia encouraged Board members to obtain a briefing of the discussion from the appropriate persons within their jurisdictions.

Jeff Becerra distributed a monthly topic brief on the Grants program. A link to the topic brief is available here: [Grants-Topic-Brief](#). Mr. Becerra also distributed a quarterly update on the agency's outreach efforts. The attachment is included as a matter of record. Mr. Becerra added we are wrapping up our Lawn to Garden parties and have provided training through the SWEET program so that people can do the trainings on our behalf. If Board members know of any one that would like to have a presentation to please let us know.

Mr. Becerra provided a brief presentation of a service event including agency staff and one of our grantees Loved Twice. Loved Twice is a non-profit charity clothing newborns in need with quality reused baby clothing for the first year of life. Agency staff sorted and boxed 26 boxes of baby clothing with an estimated value of \$7,000. A link to the photos is available here: [Loved-Twice-Photos](#)

VIII. ADJOURNMENT

The meeting was adjourned at 3:46 p.m.