

**DRAFT**

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

**Wednesday, June 22, 2016**

**3:00 P.M.**

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

**I. CALL TO ORDER**

President Pentin, WMA, called the meeting to order at 3:05 p.m.

**II. ROLL CALL**

**WMA & EC**

City of Alameda	Jim Oddie, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Don Biddle, WMA, EC
City of Fremont	Suzanne Lee Chan, WMA, EC
City of Hayward	Greg Jones, 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	Tim Rood, WMA, EC
City of Pleasanton	Jerry Pentin, WMA, EC
City of San Leandro	Deborah Cox, WMA, EC

**Absent:**

County of Alameda	Keith Carson, WMA, EC
City of Albany	Peter Maass, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC
City of Livermore	Laureen Turner, WMA, EC
City of Union City	Lorin Ellis, WMA, EC

**Staff Participating:**

Wendy Sommer, Executive Director  
Tom Padia, Deputy Executive Director  
Debra Kaufman, Senior Program Manager  
Richard Taylor, Legal Counsel, Authority Board  
Arliss Dunn, Clerk of the Board

**III. ANNOUNCEMENTS BY THE PRESIDENTS**

There were none.

**IV. CONSENT CALENDAR**

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| <b>1.</b> | <b>Approval of the Draft Minutes of May 25, 2016 (Wendy Sommer)</b>  | <b>Action</b>      |
| <b>2.</b> | <b>Authorization to Establish Interest Bearing Account (Pat Cabrera)</b><br>Authorization to establish interest bearing account for proper disposition of Allan Miller's assets.   | <b>Action</b>      |
| <b>3.</b> | <b>Changes to Attachment A of the Human Resources Manual (Pat Cabrera)</b><br>Modify language in Attachment A of the Human Resources Manual describing frequency of total compensation survey to be performed periodically but no sooner than every three years. | <b>Action</b>      |
| <b>4.</b> | <b>Grants Under \$50,000 (Wendy Sommer)</b>  | <b>Information</b> |

Board member Young made the motion to approve the Draft Minutes of the May 25, 2016 meeting with the correction noted below. Board member Rood seconded and the motion carried 11-0 (Carson, Ellis, Kalb, Maass, Martinez, and Turner absent).

(Correction: Remove "EC" notation from Castro Valley Sanitary District and Oro Loma Sanitary District).

Board member Rood made the motion to approve the Consent Calendar. Board member Sadoff seconded and the motion carried 11-0 (Carson, Ellis, Kalb, Maass, Martinez, and Turner absent).

**V. OPEN PUBLIC DISCUSSION**

Ken Bukowski expressed opposition to the ABAG and MTC merger.

**VII. REGULAR CALENDAR**

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| <b>1.</b> | <b>Request for an Amendment to the Alameda County Integrated Waste Management Plan to include the Vision Recycling Compost Facility in the unincorporated area of Livermore (Debra Kaufman)</b> | <b>Action/<br/>Public Hearing</b> |
|           | Staff and the Recycling Board as LTF and the P&O committee, recommend that the WMA Board take the following actions:  |                                   |
|           | 1. Consider the ordinance by title only, waiving a reading of the full text.  |                                   |
|           | 2. Schedule a public hearing for the July meeting and introduce the ordinance for consideration of adoption at the July WMA meeting.  |                                   |

Debra Kaufman provided an overview of the staff report. The report is available here: [CoIWMP-Vision-Recycling-memo-06-22-16.pdf](#).

President Pentin opened the public hearing. Tom DelConte commented that he is pleased to see the process progressing and is hopeful to receive permitting for a composting facility in Alameda County. Mr. DelConte thanked the Board for considering this request. There were no other speakers on this item and the public hearing was closed.

Board member Chan made the motion to approve the staff recommendation. Board member Cox seconded and the motion carried 11-0 (Carson, Ellis, Kalb, Maass, Martinez, and Turner absent).

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| <b>2.</b> | <b>Public Hearing and Annual adoption of Fee Collection Report for Household Hazardous Waste Fee (Debra Kaufman)</b>  | <b>Action/<br/>Public Hearing</b> |
|           | Staff recommends that the WMA Board hold a public hearing on the Fee Collection Report and approve the Fee Collection Report for FY2016-17, which includes adjusting the fee downward from \$9.55 to \$8.60 per unit for FY2016-17. |                                   |

Debra Kaufman provided a summary of the staff report and presented a PowerPoint presentation. The staff report and the presentation is available here: [HHW-Memo-06-22-16.pdf](#)

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President Pentin opened the public hearing. There were no public comments on this item and the public hearing was closed.

Board member Sadoff inquired if the 30% increase in household participation includes the one day events. Ms. Kaufman stated yes it does. Board member Chan stated that the HHW program is very popular in Fremont and stated that it is important in subsequent years that the full operating costs are covered either by the fee and/or the budget. Ms. Sommer stated that staff has met with Fremont staff to address some of the issues. Unfortunately, the fee cannot be increased at this time unless we go through the Prop 218 process again as the existing MOU between ACWMA, the County, and the City of Fremont has definite thresholds.

Board member Hannon inquired about the number of surveys sent out and the percentage rate of respondents. Ms. Kaufman replied that the survey received an 18% rate of response with 2,900 surveys mailed and 500 respondents. Board member Hannon stated that he is pleased to see that we are reaching out to the Spanish speaking population and inquired if any of the materials are bilingual. Ms. Kaufman stated yes we sent out a postcard in Spanish this year and we are working to identify high Spanish speaking areas within the County. Board member Hannon inquired if the increase in hours at the facilities is due to an increase in volume of materials received at the facilities. Ms. Kaufman stated that there has been a definite increase in participation at the facilities as well as at the one day events.

Board member Oddie made the motion to approve the staff recommendation. Board member Kalb seconded and the motion carried 14-0 (Carson, Ellis, Maass, Martinez, and Turner absent).

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| <b>3. Legislative &amp; Regulatory Priorities &amp; Process Review (Debra Kaufman)</b>   | <b>Action</b> |
| Staff recommends that the WMA Board authorize the Executive Director to determine positions for bills that are in accordance with Agency priority areas adopted by the Board in November of each year. Staff would continue to bring status updates to the Board in April, June and October. |               |

Debra Kaufman provided a summary of the staff report. The report is available here: [Legislative-Process-Review-06-22-16.pdf](#)

Board member Kalb stated the staff recommendation did not reflect the direction of the P&A Committee. It was the intent of the Board to continue to adopt legislative positions in April and June and to also allow the Executive Director to take positions on bills (consistent with adopted priorities) that the Board didn't have the opportunity to hear due to time constraints. Ms. Kaufman stated that this is current protocol although it is not an adopted policy. Ms. Sommer added the current protocol has been working quite well. Board member Sadoff concurred with Board member Kalb that it was the committee's intent that the WMA Board would continue to weigh in on legislation in April and June and allow the Executive Director to act appropriately on bills that were amended at a later stage. Board member Jones stated that he agrees with current protocol as the Board trusts the Executive Director with everyday operational decisions and should continue to allow her to act on bills consistent with adopted priorities when the Board is unable to act due to time constraints and with notification to the Board of her actions.

Authority Counsel Taylor suggested the following revisions to the staff recommendation: Staff recommends that the WMA Board authorize the Executive Director to take positions for bills that are in accordance with Agency priority areas adopted by the Board in November of each year with notice to the Board within three business days of a letter taking a position. Staff would continue to request legislative policy direction from the Board in April and June and provide status updates on legislative policy matters in October.

Board member Sadoff made the motion to approve the revised recommendation. Board member Kalb seconded and the motion carried 13-0 (Carson, Ellis, Jones, Maass, Martinez, and Turner absent). (Board member Jones was absent from the room during the vote).

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**4. Vacancy on the Recycling Board (Wendy Sommer) Action**

Staff recommends that the WMA Board fill the vacancy on the Recycling Board.

Wendy Sommer stated that Board member Sadoff was incorrectly omitted from the list of WMA members eligible to serve as a WMA appointee to the Recycling Board.

Board member Oddie agreed to serve as the WMA appointee to the Recycling Board. Board member Young made the motion to approve the appointment. Board member Chan seconded and the motion carried 13-0 (Carson, Ellis, Jones, Maass, Martinez, and Turner absent).

**5. Election of WMA Officers for Fiscal Year 2016-17 (Wendy Sommer) Action**

Staff recommends that the Authority Board elect officers for Fiscal Year 2016-17.

Board member Hannon (Newark) volunteered to serve as the 1<sup>st</sup> Vice President for the WMA Board. There were no other nominations. Board member Young made the motion to accept the nomination. Board member Oddie seconded and the motion carried 14-0 (Carson, Ellis, Maass, Martinez, and Turner absent).

President Pentin announced that Board member Turner (Livermore) had submitted a letter expressing her interest in serving as the 2<sup>nd</sup> Vice President. President Pentin made the motion to nominate Board member Turner as a candidate for 2<sup>nd</sup> Vice President. Board member Oddie seconded the nomination. Board member Young made a substitute motion to nominate Board member Sadoff (CVSan) as a candidate for 2<sup>nd</sup> Vice President. Board member Wengraf seconded the nomination. Board member Sadoff accepted the nomination to serve as 2<sup>nd</sup> Vice President. The Board voted 14-0 to elect Board member Sadoff as the 2<sup>nd</sup> Vice President (Carson, Ellis, Maass, Martinez, and Turner absent).

Board member Pentin made the motion to accept the rotation of Board member Kalb (Oakland) to serve as President of the WMA. Board member Oddie seconded and the motion carried 14-0 (Carson, Ellis, Maass, Martinez, and Turner absent).

**6. Election of EC Officers for Fiscal Year 2016-17 (Wendy Sommer) Action**

Staff recommends that the Energy Council elect officers for Fiscal Year 2016-17.

EC President Kalb chaired the Election of Officers for the EC. Board member Rood made the motion to nominate Board member Ellis (Union City) to serve as President of the EC. Board member Wengraf seconded. There were no other nominations and the nominations were closed. The Council voted 14-0 to elect Board member Ellis as President of the EC (Carson, Ellis, Maass, Martinez, and Turner absent).

Board member Kalb made the motion to nominate Board member Martinez (Emeryville) as the 1<sup>st</sup> Vice President of the EC. Board member Pentin seconded. There were no other nominations and the nominations were closed. The Council voted 14-0 to elect Board member Martinez as 1<sup>st</sup> VP (Carson, Ellis, Maass, Martinez, and Turner absent).

Board member Cox made the motion to nominate Board member Oddie (Alameda) as the 2<sup>nd</sup> Vice President of the EC. Board member Wengraf seconded. There were no other nominations and the nominations were closed. The Council voted 14-0 to elect Board member Oddie as 2<sup>nd</sup> VP (Carson, Ellis, Maass, Martinez, and Turner absent).

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

(P&O and Recycling Board meeting, July 14, 2016 at 7:00 pm – Fremont Recycling and Transfer Station, 41149 Boyce Road, Fremont)

Board member Pentin requested an interim appointment for the July 14<sup>th</sup> P&O/RB meeting. Board member Biddle volunteered to serve as the interim appointment. Board member Sadoff made the motion to

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approve the interim appointment. Board member Hannon seconded and the motion carried 14-0 (Carson, Ellis, Maass, Martinez, and Turner absent).

**VII. COMMUNICATION/MEMBER COMMENTS**

**Information**

There were none.

**VIII. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code section 54956.9(d) (2):  
(1 potential case)

There was nothing to report from the closed session.

**IX. ADJOURNMENT**

The meeting adjourned at 3:57 p.m.