

**DRAFT**

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

**Wednesday, June 24, 2019**

**3:00 P.M.**

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

**I. CALL TO ORDER**

President Dave Sadoff, WMA, called the meeting to order at 3:04 p.m.

**II. ROLL CALL OF ATTENDANCE**

City of Alameda	Jim Oddie, WMA, EC
County of Alameda	Keith Carson, WMA, EC
City of Albany	Rochelle Nason, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Emeryville	Dianne Martinez, WMA, EC
City of Hayward	Francisco Zermeño, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
City of Pleasanton	Jerry Pentin, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of San Leandro	Deborah Cox, WMA, EC
City of Union City	Emily Duncan, WMA, EC

**ABSENT:**

City of Dublin	Melissa Hernandez, WMA, EC
City of Fremont	Jenny Kassan, WMA, EC
City of Livermore	Bob Carling, WMA, EC
City of Piedmont	Tim Rood, WMA, EC

**Staff Participating:**

Wendy Sommer, Executive Director  
Pat Cabrera, Administrative Services Director  
Anu Natarajan, Legislative and Regulatory Affairs Manager  
Richard Taylor, WMA Legal Counsel  
Arliss Dunn, Clerk of the Board

**Others Participating:**

Bill Pollock and Bruce Fritz, Environmental Services, Alameda County HHW  
Ken Pianin, Solid Waste Manager, City of Fremont HHW  
Peter Deibler, HF&H Consultants  
Jason Schmelzer and Priscilla Quiros, Shaw Yoder Antwhi  
Arthur Boone  
Antoinette Stein

**III. ANNOUNCEMENTS BY PRESIDENTS**

There were none.

**IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR**

Antoinette Stein provided public comment regarding the lawsuit against the OMRF at the Davis Street Transfer station and her concerns that the project changed after CEQA. Arthur Boone provided public comment regarding the most recent data collected on the performance of the county relative to recycling activities, saying it did not break down the data relative to the cities as mandated by Measure D and how this action limits the Recycling Board in its role to exercise oversight regarding this issue.

**V. CONSENT CALENDAR**

**1. Approval of the Draft Minutes of May 22, 2019 (Wendy Sommer)**

There were no public comments for the Consent Calendar. Board member Young made the motion to approve the Consent Calendar. Board member Wengraf seconded and the motion carried 16-0: (Ayes: Carson, Cox, Duncan, Hannon, Kalb, Martinez, Nason, Oddie, Pentin, Sadoff, Wengraf, Young, Zermeño; Nays: None. Abstained: None. Absent: Carling, Hernandez, Kassan, Rood.

**VI. REGULAR CALENDAR**

**1. Public Hearing and Annual Adoption of Fee Collection Report for Household Hazardous Waste Fee (Pat Cabrera)**

Staff recommends that the WMA Board hold a public hearing on the Fee Collection Report and approve by resolution, the Fee Collection Report for FY 2019-20, which includes adjusting the annual fee downward from \$7.40 per unit in FY 2018-19 to \$6.64 per unit for FY 2019-20.

Pat Cabrera provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [2019-2020-HHW-Fee-Report-Presentation.pdf](#) Ms. Cabrera introduced Bill Pollock and Bruce Fritz, Alameda County Environmental Services, and Ken Pianin, Solid Waste Services Manager, City of Fremont.

Board member Hannon commented that we have data that shows the increase in participation and inquired if there is data that shows the decrease in hazardous waste that is illegally dumped. Mr. Pollock stated no. Board member Kalb inquired about the locations that we send the materials for incineration. Mr. Pollock stated the materials are sent to commercial facilities in Utah, Nebraska, and Arkansas as there are fewer regulations. Board member Young commented that most public agencies are increasing fees and noted that the fee is being lowered and applauded staff for their efforts.

There were no public comments on this item and the public hearing was closed. Board member Wengraf made the motion to approve by resolution the Fee Collection Report for FY 2019-20, which includes adjusting the annual fee downward from \$7.40 per unit in FY 2018-19 to \$6.64 per unit for FY 2019-20. Board member Zermeño seconded and the motion carried 16-0:

(Ayes: Carson, Cox, Duncan, Hannon, Kalb, Martinez, Nason, Oddie, Pentin, Sadoff, Wengraf, Young, Zermeño; Nays: None. Abstained: None. Absent: Carling, Hernandez, Kassan, Rood.

**2. Household Hazardous Waste (HHW) Fee Change and Ordinance Amendment (Pat Cabrera)**

Staff recommends that the WMA Board:

1. Introduce and waive the first reading of the attached ordinance to be considered for adoption following a public hearing and protest process in accordance with Proposition 218. The ordinance resets the annual HHW Collection and Disposal fee to \$6.64 per year per residential unit through June 30, 2024. The ordinance requires that a financial analysis be conducted by March 31, 2024 to determine what the fee should be for the following five fiscal years and to conduct similar analysis in five-year intervals to

determine what the fee should be at that time. While the fee can be lowered or raised during those periods, it will be capped at \$9.55 per year per residential unit per the original ordinance. The amended ordinance removes the previous sunset provision; however, the Board may repeal this fee at any time.

2. Approve the attached resolution regarding the protest proceedings required under Proposition 218.
3. Direct staff to prepare amendments to the HHW program Memoranda of Understandings (MOUs) with the County of Alameda and the City of Fremont reflecting the new ordinance to be considered following adoption of the ordinance.

Pat Cabrera provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [HHW-Fee-Amendment-Presentation.pdf](#)

Ms. Cabrera introduced Peter Deibler, HF&H Consultants. Mr. Deibler was available to answer any questions. Ken Pianin commented that the City of Fremont supports the staff proposal as it will bring security and provide a stable funding source for a very popular and essential service for the entire county.

Board member Oddie requested an overview of the Prop 218 process. Authority Counsel Taylor stated that the Board would introduce the ordinance and the agency would send notification to all properties that are subject to the fee. The property owner would have the opportunity to protest the fee by mail or by attending a public hearing that the Board would hold at the September 25 WMA meeting. If we receive a majority of protests we would be unable to adopt the fee and if we receive less than a majority of protests, the Board may choose to not adopt the fee but Prop 218 does allow the adoption of the fee. The fee affects all residential properties in Alameda County and the unincorporated areas. President Sadoff inquired if it is possible to highlight the reduction of the fee in the Prop 218 notice. Mr. Taylor stated that the notice will inform the public that the fee was originally set at \$9.55 per year and will now be at \$6.64 per year. Board member Kalb inquired if the fee is per residential unit or per parcel. Ms. Cabrera stated that the fee is per residential unit.

Board member Hannon stated that it is good to see that the funding is doing well and inquired if staff has looked at components of the program to see if there are other materials that we would want to include as household hazardous waste or that the environmental community would consider household hazardous waste. Mr. Pollock stated that we collect all materials that are legally classified as hazardous waste and we include mattresses at our one-day events. Mr. Pollock added the program is not allowed to collect controlled substances and added there are not any other hazardous materials that are missing. Board member Hannon inquired about the destination of materials for commercial businesses. Mr. Pollock stated that the program accepts materials from small quantity generators (less than 220 pounds per month), but larger businesses cannot utilize the program. However, the tipping fee is charged on all waste going to the landfill.

Board member Wengraf inquired about any plans to do outreach to inform the public regarding this measure. Ms. Cabrera stated that staff has spoken with TAC and has also informed the city managers and the general managers of the jurisdictions and staff is also planning to contact the rental housing associations. Ms. Sommer added because the fee does not apply to commercial businesses we were not planning to reach out to local chambers of commerce. Board member Wengraf most residents feel as though it is not a democratic process because if they reply it is considered a yes vote and added we should do some sort of public outreach to at least notify the public prior to sending out the ballot. Mr. Taylor added it is not legally required since it is not an election and this is not something that he has seen done at other agencies. Board member Young suggested that staff send a notice to Board members “tooting our horn” that we are reducing the fee and they can send to their contacts and constituents. Board member Oddie inquired about how many protests we received during the last

process. Mr. Taylor replied that there were hundreds and not thousands but there were a few vocal protests at the public hearing and the agency was sued but prevailed in the lawsuit.

There were no public comments on this item. Board member Pentin made the motion to approve the staff recommendation. Board member Carson seconded and the motion carried 16-0:  
(Ayes: Carson, Cox, Duncan, Hannon, Kalb, Martinez, Nason, Oddie, Pentin, Sadoff, Wengraf, Young, Zermeño; Nays: None. Abstained: None. Absent: Carling, Hernandez, Kassan, Rood.

**3. 2019 Legislative Update (Anu Natarajan)**

This item is for information only.

Anu Natarajan provided an overview of the staff report and introduced the agency's lobbyist, Jason Schmelzer and Priscilla Quiros of Shaw Yoder Antwih. The lobbyist provided a legislative update on the status of bills. A link to the staff report is available here: [2019-Legislative-Update-pdf](#)

Board member Hannon stated that when providing a status update to the Board he would like to also include an estimate of any anticipated costs to local governments for implementation of any legislation from the State for either funding or staffing. Ms. Natarajan stated that when staff provides the October update to the Board we will attempt to get any information that would apply to any anticipated costs to local governments. Board member Young stated with respect to AB 1672 (Bloom) Product Labeling: Flushable Products, that she was shocked that anyone would be opposed to a bill for disposable wipes considering the damage to sanitary districts wastewater systems. Ms. Natarajan stated that based on input received from the Board we moved the legislation to a priority bill. Board member Hannon inquired if there is a current standard for disposable wipes. Mr. Schmelzer stated no, not in California. Board member Kalb inquired regarding AB 619 (Chiu): Retail Food; Reusable Containers; Multiuse Utensils, if the bill would make a significant impact or is it considered "baby steps." Mr. Schmelzer replied it is considered "baby steps." Board member Kalb inquired regarding AB 1216 (Bauer-Kahan): Solid Waste Illegal Dumping, if the bill simply authorizes the counties to employ a law enforcement officer to focus on illegal dumping. Board member Carson replied that the legislation also includes a funding mechanism. Board member Hannon added the bill should look at giving the funding to the cities to tackle the issue. Ms. Natarajan stated that the bill is modeled after looking at a successful project in Vallejo. Board member Young requested an update on the rulemaking for SB 1383. Ms. Natarajan stated that staff met earlier in the day regarding SB 1383 and comments are due July 5. Staff is working with the cities to make sure that they are sending comments as well, and staff will work with Mr. Schmelzer to make sure that the League of Cities will be carrying the high level concerns from the cities. Ms. Natarajan added another draft will be coming out with an additional 15-day comment period and then the adoption of the formal rules will be in January 2020. Board member Young recommended reaching out to CASA (California Association of Sanitary Agencies). Ms. Natarajan stated that she would. There were no public comments on this item. President Sadoff thanked staff and the lobbyist for their presentation.

**4. Election of WMA Officers for Fiscal Year 2019-20 (Arliss Dunn)**

Staff recommends that the WMA Board elect officers for Fiscal Year 2019-20.

There were no public comments on this item. Ms. Sommer thanked President Sadoff for his guidance and leadership during his tenure as President of the WMA Board. Board member Pentin inquired that if the Board nominated Board member Rood as President (in absentia) and he is unable to serve what is the remedy. Mr. Taylor stated that the item would be placed on the July agenda to elect another President. Board member Pentin made the motion to advance Board member Rood to the office of President and Board member Cox to the office of First Vice President and nominated Board member Young as Second Vice President. There were no other nominations.

Board member Sadoff seconded and the motion carried 16-0:

(Ayes: Carson, Cox, Duncan, Hannon, Kalb, Martinez, Nason, Oddie, Pentin, Sadoff, Wengraf, Young, Zermeño; Nays: None. Abstained: None. Absent: Carling, Hernandez, Kassan, Rood.

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

(Planning Committee and Recycling Board meeting, July 11, 2019 at 4:00 pm, StopWaste Offices, 1537 Webster Street, Oakland, CA)

Board member Zermeño stated that he would be unable to attend the July 24 WMA meeting and that he would consult with his alternate, Sara Lamnin, about the attending the meeting.

Board member Cox required an interim appointment for the July 11 meeting. Board member Young stated that she would attend as the interim appointment. Board member Oddie made the motion to approve the interim appointment. Board member Hannon seconded and the motion carried 16-0: (Ayes: Carson, Cox, Duncan, Hannon, Kalb, Martinez, Nason, Oddie, Pentin, Sadoff, Wengraf, Young, Zermeño; Nays: None. Abstained: None. Absent: Carling, Hernandez, Kassan, Rood.

**6. Election of Energy Council Officers for Fiscal Year 2019-20 (Arliss Dunn)**

Staff recommends that the Energy Council elect officers for Fiscal Year 2019-20.

There were no public comments on this item. Board member Pentin made the motion to advance Board member Cox to the office of President and Board member Hernandez to the office of First Vice President and nominated Board member Kalb as Second Vice President. There were no other nominations. Board member Martinez seconded and the motion carried 15-0:

(Ayes: Carson, Cox, Duncan, Hannon, Kalb, Martinez, Nason, Oddie, Pentin, Wengraf, Zermeño; Nays: None. Abstained: None. Absent: Carling, Hernandez, Kassan, Rood.

**The Board adjourned to closed session at 4:10 p.m. and returned to open session at 4:20 p.m.**

**7. CLOSED SESSION (WMA only)**

Pursuant to Government Code Section 54957  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: Executive Director  
(Confidential materials mailed separately)

**8. CLOSED SESSION (WMA only)**

Pursuant to Government Code Section 54957.6  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency Designated Representatives: Board Members Sadoff, Rood, Cox, and Hannon  
Unrepresented Employee: Executive Director

The Board provided the recommendation to the negotiating team.

**VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR**

Board member Martinez announced that the City of Emeryville is renegotiating their contract with Waste Management, Inc. and they are no longer accepting gable top packaging, i.e. milk cartons in the recycling or compost and they are looking for solutions. Board member Martinez added, in Napa, people are collecting milk cartons separately to be shipped for processing. They are looking for other agencies in which to partner to get enough tonnage to the correct party and she will provide additional information as it becomes available. Ms. Sommer distributed the most recent topic brief on "StopWaste Environmental Educator Training (SWEET)," available here: [Environmental-Educator-Training.pdf](#) and the June calendar of events, available here: [June-2019-Events.pdf](#)

**VIII. ADJOURNMENT**

The meeting was adjourned at 4:23 p.m.