

**P&A Committee Members**

Susan Wengraf, **Chair**  
City of Berkeley

Dave Sadoff, **Vice Chair**  
Castro Valley Sanitary District

David Haubert, County of Alameda

Jennifer Hansen-Romero, City of Albany

Jean Josey, City of Dublin

Yang Shao, City of Fremont

Francisco Zermeño, City of Hayward

Bob Carling, City of Livermore

Mike Hannon, City of Newark

Shelia Young, Oro Loma Sanitary District

Jen Cavanaugh, City of Piedmont

Jack Balch, City of Pleasanton

Timothy Burroughs, Executive Director

## AMENDED AGENDA

### MEETING OF THE PROGRAMS AND ADMINISTRATION COMMITTEE (P&A)

**THURSDAY, JUNE 13, 2024**

**9:00 A.M.**

***IN PERSON MEETING LOCATION:***  
**STOPWASTE BOARD ROOM**  
**1537 WEBSTER STREET, OAKLAND, CA**

This meeting will be conducted in a hybrid model with participation both in-person and via teleconference:

- Teleconference location #1 Scott Haggerty Heritage House, 4501 Pleasanton Ave., Pleasanton, CA
- Teleconference location #2 Balch Enterprises, Inc. – 30960 Huntwood Avenue, Hayward, CA
- Teleconference location #3 3300 Capitol Ave., Building A, Fremont, CA
- Teleconference location #4 14751 Pansy Street, San Leandro, CA
- Teleconference location #5 30065 Skylark Court, Hayward, CA
- Teleconference location #6 806 Pierce Street, Albany, CA
- Teleconference location #7 227 Crocker Ave., Piedmont, CA

Members of the public may attend in person at the addresses listed above or by:

1. Calling US+1 669 900 6833 and using the Webinar ID 832 8307 7511
2. Using the [Zoom](#) website or App and entering meeting code 832 8307 7511

During the meeting the chair will explain the process for members of the public to be recognized to offer public comment. The process will be described on the StopWaste website at <http://www.stopwaste.org/virtual-meetings> no later than noon, Wednesday, June 12, 2024.

The public may also comment by sending an e-mail to [publiccomment@stopwaste.org](mailto:publiccomment@stopwaste.org). Written public comments will be accepted until 3:00 p.m. on the day prior to the scheduled meeting. Copies of all written comments submitted by the deadline above will be provided to each Board Member and will be added to the official record. Comments will not be read into the record.

In accordance with the Americans with Disabilities Act, if you need assistance to participate in this meeting due to a disability, please contact the Clerk of the Board at (510) 891-6517. Notification 24 hours prior to the meeting will enable the agency to make reasonable arrangements to ensure accessibility to this meeting.

## **AGENDA**

**I. CONVENE MEETING**

**II. ROLL CALL OF ATTENDANCE**

**III. PUBLIC COMMENTS**

Open public discussion from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Programs & Administration Committee, but not listed on the agenda.

**Page IV. CONSENT CALENDAR**

- 1 1. Approval of the Draft P&A Minutes of May 9, 2024**

**V. REGULAR CALENDAR**

- 3 1. Amendment to Property Leasing Ordinance (Ordinance 2000-01) (Kelly Schoonmaker)**

That the Programs and Administration Committee approve forwarding Ordinance 2024-02 to the Waste Management Authority Board for adoption.

- 11 2. Election of Chair and Vice Chair (Timothy Burroughs)**

That the Programs and Administration Committee elect a Chair and Vice Chair for the period July 1, 2024 - June 30, 2025.

**VI. MEMBER COMMENTS**

**VII. ADJOURNMENT – TO P&A MEETING – JULY 11, 2024 AT 9:00 A.M.**

DRAFT

**MINUTES OF THE ALAMEDA COUNTY WASTE  
MANAGEMENT AUTHORITY MEETING  
OF THE  
PROGRAMS AND ADMINISTRATION COMMITTEE**

**THURSDAY, MAY 9, 2024**

**9:00 A.M.**

***IN PERSON MEETING LOCATION:*  
STOPWASTE BOARD ROOM  
1537 WEBSTER STREET, OAKLAND, CA**

**Members Present:**

County of Alameda	David Haubert
City of Albany	Jennifer Hansen-Romero
City of Berkeley	Susan Wengraf, Chair
Castro Valley Sanitary District	Dave Sadoff
City of Fremont	Yang Shao
City of Hayward	Daniel Goldstein
City of Livermore	Bob Carling
City of Newark	Mike Hannon
Oro Loma Sanitary District	Shelia Young
City of Piedmont	Jen Long
City of Pleasanton	Jack Balch

**Members Absent:**

City of Dublin	Melissa Hernandez
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**Staff Present:**

Timothy Burroughs, Executive Director  
Pat Cabrera, Administrative Services Director  
Alma Freeman, Communications Manager  
Justin Lehrer, Operations Manager  
Emily Alvarez, Program Manager  
Arliss Dunn, Clerk of the Board

**I. Convene Meeting**

Chair Susan Wengraf called the meeting to order at 9:00 a.m. Timothy Burroughs explained the process that would be utilized during the meeting. A link to the process is available here: [Virtual-Meetings-Instructions](#).

**II. Public Comments**

There were none.

**III. CONSENT CALENDAR**

**1. Approval of the Draft Minutes of March 14, 2024**

There were no public comments for the Consent Calendar. Board member Haubert moved for approval of the Consent Calendar. Board member Hannon seconded, and the motion carried 11-0. The Clerk called the roll.

**DRAFT**

(Ayes: Balch, Carling, Cavanaugh Goldstein, Hannon, Hansen-Romero, Haubert, Sadoff, Shao, Wengraf, Young. Nays: None. Absent: Hernandez. Abstain: None)

**IV. REGULAR CALENDAR**

**1. 2023 Waste Characterization Study Update (Emily Alvarez)**

This item is for information only.

Mr. Burroughs introduced the item. Emily Alvarez provided an update on the waste stream sampling at transfer station and landfill facilities within Alameda County. From June 2023 to February 2024, the consultant team sorted over 650 samples from across the landfill, recycling, and organics stream. A link to the staff report and PowerPoint presentation is available here: [WCS-Update-memo.pdf](#). Additional time was provided to the Board for discussion and for clarifying questions. An audio link to the discussion is available here: [WCS-Update-Discussion](#). Ms. Alvarez stated that the final report is expected to be completed by the end of the fiscal year.

There were no public comments for this item. The committee thanked Ms. Alvarez for a very impressive and informative report and added the information should be disseminated county-wide.

**V. MEMBER COMMENTS**

There were none.

**VI. ADJOURNMENT – TO JUNE 13, 2024, AT 9:00 A.M.**

The meeting was adjourned at 9:40 a.m.



**DATE:** June 13, 2024  
**TO:** Programs and Administration Committee  
**FROM:** Kelly Schoonmaker, Senior Program Manager  
**SUBJECT:** Amendment to Property Leasing Ordinance (Ordinance 2000-01)

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### **SUMMARY**

The Agency owns 1,600 acres in the Altamont Hills (“Property”), and has several lease and license agreements there, including telecommunications leases and licenses and a grazing license, some of which are nearing the end of their 10-year terms. The expiring agreements were approved under Ordinance 2000-01: An Ordinance Establishing Procedures for Certain Leases of Property Owned by the Authority, which, consistent with state law at that time, established a simplified, non-bid procedure for entering into non-renewable leases and licenses with a monthly rent amount that does not exceed \$5,000 and a term of 10 years or less. Staff recommends an amendment to Ordinance 2000-01 to increase the allowable monthly rental payment to \$10,000 to reflect changes in state law and to allow for the maximum monthly rental payment to be further increased if permitted by a future change in state law. Staff also recommends minor amendments to the Ordinance’s noticing provisions to align with state law.

### **DISCUSSION**

Under the Agency’s Joint Exercise of Powers Agreement for Waste Management (as revised 7/30/2013), the Agency’s manner of exercising its powers is subject to the same restrictions that apply to the County of Alameda. This includes state law restrictions that require counties to use extensive bidding procedures for many leases and licenses.

In 2000, the Agency adopted Ordinance 2000-01 under Government Code Section 25537, a provision of state law that allows counties to enter into certain leases and licenses without going through a formal bid process. Ordinance 2000-01 establishes a simplified, no-bid procedure for entering into leases and licenses that are non-renewable, do not exceed 10 years, have a monthly rent not exceeding \$5,000, are of public benefit, and are compatible with the Agency’s uses of the Property. This Ordinance was enacted to provide an alternative to complying with the leasing and licensing requirements for counties, which would have required a formal bidding process for most leases and licenses on the Agency Property.

Some leases and licenses approved under Ordinance 2000-01 are approaching the end of their terms. Because these leases and licenses are non-renewable, if the Agency determines that it wants to continue leasing to any of these existing tenants, it will be necessary to enter into a new agreement with them. For one of these current leases, the tenant's monthly rent is high enough that a new lease agreement with them subject to the same pricing structure and escalation as the current agreement would cause their monthly rent to increase to more than \$5,000 during the term of the lease. That means that the Board could not approve such a new lease with this tenant under the Agency's Ordinance without first amending the Ordinance to increase the maximum allowable monthly rental. For that reason, as well as to ensure that the Agency is able to enter into other new leases or licenses under the Ordinance that have a monthly rental of more than \$5,000 to reflect market rates, staff recommends an amendment to the Ordinance to increase the allowable monthly rental payment to \$10,000 and to allow this amount to be further increased if allowed by a future change in state law.

Staff also recommends minor changes to the Ordinance's notification provisions to better align with state law.

### **RECOMMENDATION**

That the Programs and Administration Committee approve forwarding Ordinance 2024-02 to the Waste Management Authority Board for adoption.

Attachment: ACWMA Draft Ordinance 2024-02 Amending Ordinance 2000-01

**ORDINANCE 2024-02  
AMENDING ORDINANCE 2000-01**

**ORDINANCE ESTABLISHING PROCEDURES FOR CERTAIN LEASES AND LICENSES OF PROPERTY  
OWNED BY THE AUTHORITY**

The Board of the Alameda County Waste Management Authority (“Authority”) finds that:

1. In 2000 the Authority adopted Ordinance 2000-01, the Ordinance Establishing Procedures for Certain Leases of Property Owned by the Authority. The Authority now wishes to amend the ordinance to increase the allowable monthly rental payment to \$10,000 to reflect a change in state law, to allow for that monthly rental payment to be further increased if permitted by a future change in state law, and to update the ordinance’s noticing provisions.
2. The Board of the Alameda County Waste Management Authority held a public meeting on June 26, 2024, to consider this Ordinance, and after considering all testimony and written materials provided in connection with that meeting introduced this ordinance and waived the reading thereof.

Therefore, the Board of the Authority hereby ordains as follows:

Section 1. Amendment.

Ordinance 2000-01 is hereby amended as shown in Exhibit A. Text to be added is indicated in bold underlined font (e.g., **underlined**), and text to be deleted is indicated in strikeout font (e.g., ~~strikeout~~).

Section 2. Severability.

If any provision of this Ordinance or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 3. Publication.

Within 15 days after adoption, a summary of the Ordinance with the names of those voting for and against shall be published and a certified copy of the full text with the names of those voting for and against the Ordinance shall either (i) be posted on the Authority’s website or (ii) be posted in the Authority’s offices. The Ordinance shall become effective 30 days after adoption.

- Continued on following page -

**Following introduction on June 26, 2024, passed and adopted July 24, 2024 by the following vote:**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of ORDINANCE NO. 2024-02.

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ARLISS DUNN  
CLERK OF THE BOARD



*Exhibit A*

**ORDINANCE 2000-01  
as amended by Ordinance 2024-02**

**AN ORDINANCE ESTABLISHING PROCEDURES FOR CERTAIN LEASES AND LICENSES OF  
PROPERTY OWNED BY THE AUTHORITY**

The Board of the Alameda County Waste Management Authority ordains as follows:

**SECTION 1** (Enactment)

The Board of the Authority does hereby enact this ordinance in full consisting of Sections 1 through Section 6.

**SECTION 2** (Findings)

- (a) The Authority finds that the proposed process for entering into leases or licenses for real property owned by the Authority—which applies only to leases and licenses that are non-renewable, do not exceed 10 years, have a monthly rental not ~~in excess of~~ **exceeding ten** thousand dollars (~~\$5,000~~**10,000**) **or the amount authorized in Government Code section 25537 (or any successor provision), whichever is greater,** are of public benefit, and provide for uses that are compatible with the Authority's use of the property—will provide adequate notice to the public of such leases and licenses, ensure long-term stewardship of Authority property, and establish an efficient process for managing Authority property.
- (b) The Authority finds that it has the power to enact this ordinance pursuant to the Joint Exercise of Powers Agreement for Waste Management.

**SECTION 3** (Definitions)

The following definitions govern the use of terms in this ordinance:

- (a) “Authority” means the Alameda County Waste Management Authority created by the Joint Exercise of Powers Agreement for Waste Management.
- (b) “Board” means the governing body of the Authority made up of elected representatives of the member agencies pursuant to the Joint Exercise of Powers Agreement for Waste Management.

**SECTION 4** (Procedures for Entering into Specified Leases and Licenses for Authority Property)

Where the Authority proposes to enter into a lease or license for any real property belonging to, leased by, or licensed by the Authority, where the lease or license is nonrenewable, does not exceed 10 years, ~~does not have~~ has a monthly rental ~~in excess of~~ not exceeding five ten thousand dollars (\$5,00010,000) or the amount authorized under Government Code section 25537 (or any successor provision), whichever is greater, will be of public benefit, and will provide for a use that is compatible with the Authority's uses of the property, the following procedures shall apply:

- (a) The Authority shall issue a notice that describes the property to be leased or licensed, the terms of the lease or license, the location where offers to lease or license the property will be accepted, the location where the lease or license will be executed, ~~the~~ any Authority officer authorized to execute the lease or license, and the date of the public hearing on the lease or license.
- (b) The notice of the proposed lease or license shall be published in the following manner:
  - 1) posting of the notice with the County clerk;
  - 2) posting of the notice at the Authority office;
  - 3) at least 15 days prior to accepting the offers to lease or license the property, mailing of the notice to any person who has filed a written request for such notice with a person designated by the Authority receive these requests; and
  - 4) publication of the notice in a newspaper of general circulation two times, with the first notice occurring at least 15 days prior to accepting the offers to lease or license the property ~~and with at least six days between the publication dates, in a newspaper of general circulation.~~
- (c) Where the proposed lease or license involves residential property, notice shall also be provided to housing sponsors (as defined by section 50074 and 50074.5 of the Health and Safety Code).
- (d) The Authority shall hold a public hearing concerning the proposed lease or license and shall make a finding that the property subject to the lease or license will be used for compatible uses and that the lease or license will be of public benefit.

#### SECTION 5 (Exemption)

The provisions of Section 4 shall not apply to any lease or license that the Authority enters into with the state, or with any county, city, district, public agency, public corporation or public utility corporation.

SECTION 6 (Notice and Verification)

~~This ordinance shall be posted at the Authority Office after its second reading by the Board for at least thirty (30) days and shall become effective thirty (30) days after the second reading.~~

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**DATE:** June 13, 2024  
**TO:** Programs & Administration Committee  
**FROM:** Timothy Burroughs, Executive Director  
**SUBJECT:** Election of Chair and Vice Chair

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### **SUMMARY**

Consistent with the WMA Board Rules of Procedure, the Chair and Vice Chair of the P&A Committee shall be elected at the regular meeting of the Committee in the month of June each year.

### **DISCUSSION**

According to Section 5-4 of the WMA Rules of Procedure: “The officers of the P&A Committee shall be a Chair and Vice Chair who shall serve until the elections of their successors. Beginning in June 2018 the Chair and Vice Chair shall be elected at the regular meeting of the Committee in the month of June of each year. They shall be elected by a majority of the total authorized vote of the Committee and shall serve from July 1 through June 30 of the following year. Beginning July 1, 2018, no member may serve more than one term in the same leadership position on the P&A Committee within a two-year time frame. This does not limit a person who has served in one office for a year serving in a different office the following year (e.g., the Vice Chair in one year serving as the Chair the next year).”

Board member Susan Wengraf is currently serving as Chair, and Board member Dave Sadoff is serving as Vice Chair. Consistent with the practice employed by the Authority Board, the Committee may choose to advance the current Vice Chair to serve as Chair for the period July 1, 2024 - June 30, 2025. The Committee should also elect a new Vice Chair.

### **RECOMMENDATION**

That the Programs and Administration Committee elect a Chair and Vice Chair for the period July 1, 2024 - June 30, 2025.