

WMA Board & Energy Council

Bob Carling, **WMA President**
City of Livermore, WMA, EC

Francisco Zermeño, **WMA 1st Vice President**
City of Hayward, WMA, EC

Tracy Jensen, **WMA 2nd Vice President**
City of Alameda, WMA, EC

David Haubert, **EC President**
County of Alameda, WMA, EC

Michael Hannon, **EC 1st Vice President**
City of Newark, WMA, EC

David Mourra, **EC 2nd Vice President**
City of Emeryville, WMA, EC

Jennifer Hansen-Romero, City of Albany, WMA, EC

Susan Wengraf, City of Berkeley, WMA, EC

Dave Sadoff, Castro Valley Sanitary District, WMA
City of Dublin, WMA, EC

Yang Shao, City of Fremont, WMA, EC

Dan Kalb, City of Oakland, WMA, EC

Shelia Young, Oro Loma Sanitary District, WMA

Jen Cavanaugh, City of Piedmont, WMA, EC

Jack Balch, City of Pleasanton, WMA, EC

Fred Simon, City of San Leandro, WMA, EC

Jeff Wang, City of Union City, WMA, EC

Timothy Burroughs, Executive Director

AGENDA

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

Wednesday, June 26, 2024

3:00 P.M.

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

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

Teleconference location #1: 1404 LeRoy Ave. Berkeley, CA

Teleconference location #2: 118 Glashaus Loop, Emeryville, CA

Teleconference location #3: Hyatt Hotel Lobby, 1 Marketplace, San Diego, CA

Teleconference location #4: Scott Haggerty Heritage House, 4501 Pleasanton Ave, Pleasanton, CA

Teleconference location #5: 37101 Newark Blvd., Conference Room No. 5, Newark, CA

Teleconference location #6: 3300 Capitol Ave. Building A, Fremont, CA

Teleconference location #7: 14751 Pansy Street, San Leandro, CA

Teleconference location #8: Dublin City Hall, 100 Civic Plaza, Dublin CA

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

1. Calling US+1 669 900 6833 and using the webinar ID 832 9364 9796
2. Using the [Zoom](#) website or App and entering meeting code 832 9364 9796

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 26, 2024.

The public may also comment by sending an e-mail to publiccomment@stopwaste.org. Written public comment 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. CALL TO ORDER

II. ROLL CALL OF ATTENDANCE

III. ANNOUNCEMENTS BY PRESIDENTS - *(Members are asked to please advise the Board or the Council if you might need to leave before action items are completed.)*

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Boards or Council, but not listed on the agenda.

V. CONSENT CALENDAR - The Consent Calendar contains routine items of business. Items in this section will be acted on in one motion for both the WMA and EC, unless removed by a member of either Board. Members of the WMA who are not members of the EC will vote as part of the Consent Calendar vote, but their votes will not be considered in connection with any EC items.

Page

1 1. **Approval of the Draft WMA & EC Minutes of May 22, 2024**

5 2. **External Funding Accepted Under Executive Director Signature Authority-WMA 2023-04**
This item is for information only.

VI. REGULAR CALENDAR

7 1. **Executive Director Contract Amendment (Bob Carling, WMA President)**

That the Waste Management Authority Board amend the Executive Director Employment agreement.

11 2. **Amendment to Property Leasing Ordinance (Ordinance 2000-01) (Kelly Schoonmaker)**

Conduct a public hearing and introduce Ordinance 2024-02 amending Ordinance 2000-01 and waive a full reading of the ordinance, and direct staff to place it on the consent calendar for adoption at the next regular meeting of the Board.

21 3. **Update on StopWaste Equity and Empowerment Initiatives (Candis Mary-Dauphin)**

This item is for information only.

23 4. **Appointment to fill upcoming vacancy on the Recycling Board (Timothy Burroughs)**

Staff recommends that the WMA Board fill the vacancy on the Recycling Board by September 25, 2024.

27 5. **Election of WMA Officers for Fiscal Year 2025 (Timothy Burroughs)**

Staff recommends that the WMA Board elect officers for Fiscal Year 2025.

29 6. **Election of EC Officers for Fiscal Year 2025 (Timothy Burroughs)**

Staff recommends that the Energy Council elect officers for Fiscal Year 2025.

7. **Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliss Dunn)**

(The meeting of the Planning Committee & Recycling Board will be held on Thursday, July 11, 2024 at 6:00 p.m. The meeting will be held at the Surlene G. Grant Community Room, 999 E 14th St. San Leandro, CA)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. ADJOURNMENT – TO WMA & EC MEETING JULY 24, 2024 AT 3:00 P.M.

DRAFT

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

**Wednesday, May 22, 2024
3:00 P.M.**

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

I. CALL TO ORDER

First Vice President Carling called the meeting to order at 3:00 p.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. ROLL CALL OF ATTENDANCE

WMA & EC

County of Alameda	David Haubert, WMA, EC (EC President)
City of Alameda	Tracy Jensen, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
Castro Valley Sanitary District	Daniel Akagi, WMA
City of Dublin	Melissa Hernandez, WMA, EC
City of Emeryville	David Mourra, WMA, EC
City of Fremont	Yang Shao, WMA, EC
City of Hayward	Francisco Zermeño, WMA, EC
City of Livermore	Bob Carling, WMA, EC, (WMA President)
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	Fred Simon, WMA, EC
City of Union City	Jeff Wang, WMA, EC

ABSENT

City of Albany	Jennifer Hansen-Romero, WMA, EC
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Staff Participating

Timothy Burroughs, Executive Director
Pat Cabrera, Administrative Services Director
Alma Freeman, Communications Manager
Jennifer West, Program Manager
Arliss Dunn, Clerk of the Board
Richard Taylor, WMA Legal Counsel

Others Participating

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

III. ANNOUNCEMENTS BY PRESIDENTS

There were none.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

There were no public comments.

V. CONSENT CALENDAR

1. Approval of the Draft Joint WMA & EC Minutes of April 24, 2024 (WMA & EC only)

2. Household Hazardous Waste (HHW) Collection and Disposal Fee Ordinance Amendment (Pat Cabrera)

Staff recommends that the WMA Board adopt the ordinance set forth in Attachment A. Ordinance 2024-01 will make minor revisions to Ordinance 2014-01 as amended by replacing the two-year fund balance requirement with a requirement to retain sufficient funds as determined by the Board.

There were no public comments for the Consent Calendar. Board member Jensen moved approval of the Consent Calendar for the WMA & EC, and Board member Wang seconded.

The Clerk called the roll: WMA Vote: 15-0 EC Vote: 15-0

(Ayes: Akagi, Balch, Carling, Cavanaugh, Hannon, Haubert, Hernandez, Jensen, Mourra, Shao, Wang, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: Hansen-Romero, Kalb, Simon)

VI. REGULAR CALENDAR

1. FY 2025 Budget Adoption (Timothy Burroughs & Pat Cabrera)

That both the Waste Management Authority and the Energy Council hold public hearings and adopt their respective budget resolutions (Attachments A and B).

Mr. Burroughs stated that the combined FY 2025 budget was presented at the joint meeting of the WMA, EC & RB on April 24. The combined proposed FY 2025 budget totals approximately \$37.6 million. There were no changes to the budget at that meeting and staff is recommending that the WMA adopt its portion of the proposed budget totaling \$16,721,222, and the Energy Council proposed budget totaling \$10,361,311. The WMA Resolution also authorizes the FY 2025 salary schedule and authorized staff positions as well as new or augmented contracts. A link to the staff report is available here: [FY-2025-Budget-memo.pdf](#). Additional time was provided to the Board for discussion and clarifying questions. An audio link to the discussion is available here: [FY-2025-Budget-Discussion](#). Mr. Burroughs thanked the Board for their direction and guidance and thanked staff for their efforts in producing a budget that reflects our values. President Carling opened the public hearing. There were no public comments on this item and the public hearing was closed.

Board member Kalb moved approval of the of the staff recommendation that both the Waste Management Authority and the Energy Council hold public hearings and adopt their respective budget resolutions (Attachments A and B). Board member Wengraf seconded. The Clerk called the roll:

WMA vote18-0

(Ayes: Akagi, Balch, Carling, Cavanaugh, Hannon, Haubert, Hernandez, Jensen, Kalb, Mourra, Shao, Wang, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: Hansen-Romero, Simon)

EC vote 18-0

(Ayes: Balch, Carling, Cavanaugh, Hannon, Haubert, Hernandez, Jensen, Kalb, Mourra, Shao, Wang, Wengraf, Zermeño. Nays: None. Abstained: None. Absent: Hansen-Romero, Simon)

2. Legislative Update and New Legislative Positions for 2024 (Jennifer West)

Staff recommend that the Board adopts the stated positions on the bills identified in the staff memo.

Timothy Burroughs introduced the item and Jennifer West presented the proposed legislative bill positions for 2024. A link to the staff report is available here: [2024-Legislative-Positions-memo.pdf](#). Priscilla Quiroz, Agency lobbyist, was present to answer any questions. Additional time was provided to the Board for discussion and clarifying questions. An audio link to the discussion is available here: [2024-Legislative-Positions-Discussion](#).

DRAFT

Board member Hannon asked that staff provide additional information regarding SB 1221. Mr. Burroughs stated that staff would provide information on at the next Board meeting. There were no public comments on this item.

Board member Cavanaugh moved approval of the staff recommendation. Board member Kalb seconded, and the motion carried 18-0. The Clerk called the roll.

(Ayes: Akagi, Balch, Carling, Cavanaugh, Hannon, Haubert, Hernandez, Jensen, Kalb, Mourra, Simon, Wang, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: Hansen-Romero, Shao)

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

(Planning Committee and Recycling Board meeting on June 13, 2024 at 4:00 p.m. The meeting will be held at StopWaste, 1537 Webster Street, Oakland, CA)

There were no requests for an interim appointment.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Mr. Burroughs announced that the monthly topic brief provides an overview of the StopWaste Budget for FY 2025. It outlines the agency's strategic priorities and funding allocation for the coming year. A link to the topic brief is available [here](#).

Mr. Burroughs notified the Board that election of new officers for both the WMA and EC will occur at the June meeting. Board member Carling will complete his term as WMA President. As is customary and if approved by the Board, the first and second Vice Presidents would move up, Zermeno and Jensen respectively, and the Board would elect a new Second Vice President. Board member Haubert will complete his term as EC President, and the first and second Vice Presidents would move up, Board members Hannon and Mourra, respectively, and the EC would elect a new Second Vice President.

Mr. Burroughs notified the Board that Board member Kalb will be completing his final term on the Recycling Board in June, and the WMA should appoint a new member to the Recycling Board. Mr. Burroughs announced that the Environmental Leadership Awards will be held at the June 13 Recycling Board meeting at 4 pm in the StopWaste board room. Staff will announce awardees soon and invite all Board members to attend, specifically those members that have an awardee within their jurisdiction.

Board member Young announced that Tom Handley, former Director at Union Sanitary, passed away, and asked the Board to adjourn the meeting in his memory. Mr. Handley served as a director for 24 years.

VIII. CLOSED SESSION (WMA only)

There were no public comments for the closed sessions. The Board adjourned to closed session at 3:45 p.m.

Pursuant to Government Code Section 54957

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Executive Director

(confidential materials provided separately)

Pursuant to Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Board Members Carling, Jensen, Young, and Zermeño

Unrepresented Employee: Executive Director

(confidential materials provided separately)

There were no reportable items from the closed session.

IX. ADJOURNMENT – TO WMA & EC MEETING – JUNE 26, 2024 AT 3:00 P.M.

The meeting adjourned at 4:30 p.m. in memory of Tom Handley, Director, Union Sanitary.

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Date: June 26, 2024

TO: Waste Management Authority (WMA) Board

FROM: Timothy Burroughs, Executive Director

SUBJECT: External Funding Accepted Under Executive Director Signature Authority-WMA 2023-04

SUMMARY

The purchasing and grant policies were amended to simplify paperwork and Board agendas by giving the Executive Director authority to sign contracts, grants and other funding agreements worth less than \$100,000. A condition of the grant policy is that staff inform the Board of recently accepted external funds.

External Funding: January 2024 – March 2024

Agency Awarding Funds	PROJECT TYPE/DESCRIPTION	FUNDING AMOUNT	BOARD
City Of Dublin	Urban Compost Application - Research Program	\$32,080	WMA
City of Oakland	SB 1383 technical assistance to residents in City of Oakland	\$20,000	WMA

RECOMMENDATION

This item is for information only.

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DATE: June 26, 2024
TO: Waste Management Authority Board
FROM: Bob Carling, WMA President
SUBJECT: Executive Director Contract Amendment

SUMMARY

At the WMA meeting in May, the Board reviewed the annual performance evaluation for Executive Director Timothy Burroughs. The performance evaluation was conducted by an Evaluation Team that included Board Members Shelia Young (immediate Past President), Francisco Zermeno (1st Vice President), Tracy Jensen (2nd Vice President), and me.

Based on his outstanding performance and input from the full Board, the Evaluation Team recommends a 2.4% salary increase (\$6,893) for fiscal year 2024-25, effective the first pay period for FY 2024-25.

RECOMMENDATION

That the Waste Management Authority Board amend the Executive Director Employment Agreement.

Attachment:

Amendment to Agreement for Employment as Executive Director of the Alameda County Waste Management Authority

**AMENDMENT TO
AGREEMENT FOR EMPLOYMENT AS EXECUTIVE
DIRECTOR OF THE ALAMEDA COUNTY WASTE
MANAGEMENT AUTHORITY**

This agreement is between the ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (“WMA”) and Timothy Burroughs (“Employee”) and provides:

WHEREAS, WMA hired Employee as Executive Director of WMA beginning on July 12, 2021, pursuant to an agreement dated May 20, 2021 (“Employment Agreement”) and amended in 2022 and 2023; and

WHEREAS, WMA desires to continue to employ Employee as Executive Director and amend the Employment Agreement based on Employee’s positive annual review for 2023/24 by increasing Employee’s salary by 2.4% from \$287,196 per year to \$294,089 per year effective June 23, 2024 (first pay period in July consistent with pay adjustments for Authority staff).

NOW THEREFORE, in consideration of the mutual covenants contained herein the parties agree as follows:

1. Section 5(a) of the Employment Agreement is amended as shown below:
 5. SALARY.
 - (a) Effective July 1, 2024, WMA agrees to pay Employee \$294,089 (two hundred ninety four thousand eighty nine dollars) per annum (“salary”) for his services, payable in installments at the same time as other employees of WMA are paid. WMA may increase this base salary based on the results of the performance evaluation as described in Section 7.
2. All other terms of the Employment Agreement remain in full force and effect.
3. This Agreement may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, “electronic signature” shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

[Continued next page]

WMA:

By: _____
Bob Carling, President
Alameda County Waste Management Authority

Date: _____

APPROVED AS TO FORM:

By: _____
Richard S. Taylor
Authority Counsel

Date: _____

EMPLOYEE:

By: _____
Timothy Burroughs

Date: _____

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DATE: June 26, 2024
TO: Waste Management Authority Board
FROM: Kelly Schoonmaker, Senior Program Manager
SUBJECT: Amendment to Property Leasing Ordinance (Ordinance 2000-01)

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 (Attachment 1) 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.

At its June 13, 2024 meeting, the Programs and Administration Committee voted 11-0 to forward Ordinance 2024-02 to the WMA Board for adoption.

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](#) (Attachment 2), 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 pathway 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. The Agency is not

required to use the simplified procedure allowed by Ordinance 2000-01 and retains the option to use the county formal bid process when entering into a lease or license.

Some leases and licenses approved under Ordinance 2000-01 are approaching the end of their terms. A summary of leases and licenses is presented in Attachment 3. 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 proposes minor changes to the Ordinance's notification provisions to better align with state law.

PROGRAMS AND ADMINISTRATION COMMITTEE ACTION

At its June 13, 2024 meeting, the Programs and Administration Committee voted 11-0 to forward Ordinance 2024-02 to the WMA Board for adoption.

RECOMMENDATION

Conduct a public hearing and introduce Ordinance 2024-02 amending Ordinance 2000-01 and waive a full reading of the ordinance, and direct staff to place it on the consent calendar for adoption at the next regular meeting of the Board.

Attachments:

Attachment 1: ACWMA Draft Ordinance 2024-02 Amending Ordinance 2000-01

Attachment 2: Government Code Section 25537

Attachment 3: Summary Leases and Licenses at Agency Property

ATTACHMENT 1

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.

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 (\$5,000 ~~10,000~~) 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.~~

ATTACHMENT 2

Cal. Gov. Code § 25537

Section 25537 - Alternative procedure for leasing or licensing county property

(a) In any county the board of supervisors may prescribe by ordinance a procedure alternative to that required by Sections 25526 to 25535, inclusive, for the leasing or licensing of any real property belonging to, leased by, or licensed by, the county. Any alternative procedure so prescribed shall require that the board of supervisors either accept the highest proposal for the proposed lease or license submitted in response to a call for bids posted in at least three public places for not less than 15 days and published for not less than two weeks in a newspaper of general circulation, if the newspaper is published in the county, or reject all bids.

(b) Leases or licenses of a duration not exceeding 10 years and having an estimated monthly rental not exceeding a dollar limit that may be established by ordinance of the board, or, if no ordinance is adopted, not exceeding ten thousand dollars (\$10,000), may be excluded from the bidding procedure specified in subdivision (a), except that notice shall be given pursuant to Section 6061, posted in the office of the clerk of the board of supervisors, and if the lease or license involves residential property, notice shall be given to the housing sponsors, as defined by Sections 50074 and 50074.5 of the Health and Safety Code. The notice shall describe the property proposed 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 leases or licenses will be executed, and any county officer authorized to execute the lease or license. If a lease or license is excluded from the bidding procedure, the actual monthly rental in the executed lease or license may not exceed a dollar limit that may be established by ordinance of the board, or, if no ordinance is adopted, may not exceed ten thousand dollars (\$10,000), the term of the executed lease or license shall not exceed 10 years, and the lease or license is not renewable.

(c)

(1) The board of supervisors may, by ordinance, authorize the county officer or officers as are deemed appropriate, to execute leases or licenses pursuant to this section.

(2) A county officer's authority granted by ordinance under this section may not be effective for more than five years.

(3) A county officer authorized by the board of supervisors to execute licenses pursuant to this section shall provide a notice to the supervisorial district office in which the property proposed to be licensed is located at least five working days prior to execution of the license. The notice shall describe the property proposed to be licensed, the terms and conditions of the license, and the name of the proposed licensee. If the supervisorial district office has not responded in writing objecting to the proposed license within five working days after the notice has been provided, the proposed license shall be deemed approved by the district office. If the supervisorial district office objects to the proposed license in writing within five working days, the license may be submitted for approval by the board of supervisors at a regular meeting.

(d) Notice pursuant to this section shall also be mailed or delivered at least 15 days prior to accepting offers to lease or license pursuant to this section to any person who has filed a written request for notice with either the clerk of the board or with any other person designated by the board to receive these requests. The county may charge a fee that is reasonably related to the costs of providing this service and the county may require each request to be annually renewed. The notice shall describe the property proposed 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 leases or licenses will be executed, and any county officer authorized to execute the lease or license.

Ca. Gov. Code § 25537

Amended by Stats 2003 ch 732 (SB 93), s 3, eff. 1/1/2004.

Amended by Stats 2002 ch 221 (SB 1019), s 34, eff. 1/1/2003.

Attachment 3

Summary of Leases and Licenses at Agency Property

Type of agreement	Lessee	2023 Revenue	Lease expiration
License - grazing	Paulo Farms	\$25,100	October 27, 2025
Lease – telecom tower	Crown Castle T-Mobile	\$49,300	October 22, 2025
Lease – utility trench	T-Mobile	\$26,000	March 31, 2029
Lease – utility trench	Vertical Bridge	\$25,500	October 16, 2026
Lease – utility trench	AT&T	\$26,100	August 14, 2027
Lease – telecom tower	Vasco Winds	\$4,000	September 30, 2030
Lease – telecom tower	East Bay Regional Systems Communication Authority	\$3,600	June 6, 2026
Lease - residence	Private tenant	\$32,000	Month to month



DATE: June 26, 2024

TO: Waste Management Authority and Energy Council

FROM: Candis Mary-Dauphin, Program Manager

SUBJECT: Update on StopWaste Equity and Empowerment Initiatives

SUMMARY

In March 2023, staff shared with the Board an overview of the Agency’s Equity & Empowerment Plan. The plan was developed under the leadership of the Agency’s Equity & Empowerment team, with the input and consultation of a broad representation of staff. The purpose of the plan is to support the Agency in making the shifts needed to align Agency culture, structure, and work with the aim of “holding social and racial equity at the center of our work.” The plan is intended to guide the Agency in continuously expanding its current field of vision in a way that authentically values and respects the wholeness of people and communities – both internally and externally, so that we can unlock previously unseen opportunities and increase the impact of our work.

Since the most recent update, staff have been working on implementing the actions in the plan, and continually evaluating our strategy and approach based on new and evolving information.

DISCUSSION

Since equity was adopted as an organizational aim in 2020, staff have been committed to applying an equity lens to the Agency’s work – both through its community-facing programming and internal efforts. Equity-focused improvements have been made in many areas, such as recruiting, grants, and partner training. Part of the purpose of the equity plan is to keep track of such efforts, and support staff in continuing to deepen their understanding of equity issues, and how to address them in our work.

The plan was developed with the intention of being a living document – staff anticipates that the actions within the plan will need to be continuously revisited as the Agency and our external environment change over time. Through initiating implementation and monitoring successes, struggles, and feedback, the Equity & Empowerment team has identified opportunities to make adjustments anticipated to have more meaningful and lasting impact, such as further integrating

equity into the Agency's evaluation process and developing tools and principles to support staff in their program design and continual personal development.

At the June 26 meeting, staff will provide a brief refresher on the plan, discuss some examples of the work that is underway, raise some of the challenges and opportunities observed in implementing the plan, and discuss adjustments being made based on learnings from early phases of implementation.

RECOMMENDATION

This item is for information only.



DATE: June 26, 2024

TO: Waste Management Authority Board

FROM: Timothy Burroughs, Executive Director

SUBJECT: Appointment to fill upcoming vacancy on the Recycling Board

SUMMARY

Board member Dan Kalb completed his second two-year term on the Recycling Board on June 22, 2024, thereby creating a vacancy. The Waste Management Authority (WMA) Board may make new appointments to the Recycling Board within two months of when the vacancies occur. As such, the Board could decide to make the appointment at its June 26, July 24, or due to the August recess, the September 25 Board meeting.

DISCUSSION

The eleven-member Recycling Board includes six county resident experts appointed by the Alameda County Board of Supervisors and five members of the WMA Board. The WMA Board is responsible for appointing Board members to fill the vacancy. Measure D, which is the county charter amendment that created the Recycling Board, does not allow for temporary appointments to the Recycling Board or for a member to serve beyond two 2-year terms. Any WMA member may serve on the Recycling Board as long as they have not previously served on the Board.

If the WMA Board fails to make an appointment by its September 25 meeting, authority to make the appointment would transfer to the County Board of Supervisors, in consultation with a double majority of the cities, per Section 64.130 D.6 of Measure D.

The Recycling Board meets the second Thursday of each month at 4 p.m. or 6 p.m. Per Measure D, meetings are held either at StopWaste offices or, five times each year, at a location in each of the five supervisorial districts. A meeting schedule and location of meetings are distributed at the beginning of each calendar year. A Recycling Board FAQ document is attached for reference.

The Board may wish to consider geographic diversity of the appointments. However, there is no requirement for geographic diversity.

The other WMA Board members currently serving on the Recycling Board are Tracy Jensen (Alameda), David Mourra (Emeryville), Fred Simon (San Leandro), and Jeff Wang (Union City).

RECOMMENDATION

Staff recommends that the WMA Board fill the vacancy on the Recycling Board by September 25, 2024.

Recycling Board/Measure D

FAQ's

WHAT IS THE RECYCLING BOARD AND MEASURE D?

The Alameda County Source Reduction and Recycling Board was created in 1990 by the voters of Alameda County through a County Charter amendment ballot initiative, Measure D (official name: The Alameda County Waste Reduction and Recycling Initiative Charter Amendment). The intention of the Measure was to ensure that the county meet & surpass CA AB 939 mandates of reducing the amount of waste sent to landfill by 50 percent by the year 2000.

The Recycling Board is responsible for programs that promote source reduction, recycling, recycled product procurement, market development, and grants to nonprofit waste reduction enterprises.

WHAT IS THE MEASURE D FEE AND HOW MUCH MONEY DOES IT GENERATE?

Program funding for Measure D related work is provided by a per-ton disposal surcharge (currently \$8.23/ton) at the Altamont and Vasco Road landfills.

On average, about \$9 million a year is collected through Measure D fees. The fee is applied to:

- All solid waste tons disposed within the unincorporated county of Alameda. The fee is paid by the landfill.
- "Municipally controlled" discards (wastes for which the municipality establishes the rates for collection or disposal) landfilled outside unincorporated Alameda County, where arrangements have been made for the fee to be paid by the municipally contracted hauler.

HOW IS THE MONEY USED?

The Recycling Board is required to distribute 50 percent of monies collected to participating "municipalities," the 14 cities and two sanitary districts. Funds are distributed quarterly, based on a per capita (population based) formula.

The County of Alameda receives five percent of Measure D funds to implement a Recycled Product Purchase Preference program at the county and provide support to member agencies on RPP.

The Recycling Board keeps 45 percent of the monies for Measure D programs managed by StopWaste, including:

- Grants to Nonprofits

- Source Reduction Programs
- Recycled Product Market Development
- Discretionary and Administration

WHAT DO THE MEMBER AGENCIES DO WITH THEIR SHARE?

The original intent for Measure D usage for member agencies was to continue and expand municipal recycling programs. A very broad overview of eligible Measure D expenses broken down by categories and general types of expenses has been available to member agencies, below:

Categories

- Recycling, composting
- Source reduction
- Market development
- Recycled product procurement
- Public education/outreach

Allowable uses relating to 4Rs (reduce, reuse, recycle, rot [compost])

- Administrative overhead (staffing)
- Capital assets
- Consultants and contractors
- Events
- Promotional materials, supplies
- Other costs legitimately connected to waste reduction

However, due to the constantly evolving nature of recycling programs and related conservation programs, many types of expenses have been approved over the years on a case-by-case basis.

WHO CHECKS TO MAKE SURE MEASURE D FUNDS ARE USED APPROPRIATELY?

The Recycling Board is required to contract for an audit to determine compliance with Measure D every five years, aka The Five Year Audit (which is broken out by finance/compliance and programmatic analysis). The finance/compliance portion is conducted in three- and two-year segments to make it easier for municipalities to respond to audit requests).

The recent Five Year Audit recommended that staff develop a more comprehensive list of eligible and non-eligible Measure D Expenses to provide member agencies with a written source guidance document for reference & advanced planning/budgeting.

WHO IS REPRESENTED ON THE BOARD, HOW ARE THEY SELECTED, AND WHAT ARE THE TERMS OF SERVICE?

The eleven-member Recycling Board includes six citizen experts appointed by the Alameda County Board of Supervisors and five elected officials from the Alameda County Waste Management Authority. Terms are for two years with a maximum of two consecutive terms for each member. Recycling Board members must attend 75 percent of regular meetings and may not miss two consecutive monthly meetings in a calendar year or their seat is vacated.

The Board of Supervisors appointments include the following six categories:

- A representative of an organization engaged primarily in operating recycling programs within Alameda County
- A source reduction specialist with substantial experience as such
- A representative of the recyclable materials processing industry
- A representative of the solid waste industry
- A representative of an environmental organization with a significant membership active in recycling issues within Alameda County; and
- An environmental educator employed as such on a full-time basis.

Board members must be residents of Alameda County, and no two employees or representatives of the same for-profit company may serve simultaneously.

WHAT ROLES DO THE RECYCLING BOARD SERVE?

- The Recycling Board acts as the Planning Committee of the Alameda County Waste Management Authority
- The Recycling Board oversees the administration and implementation of Measure D activities
- The Recycling Board serves as the Local Task Force mandated by CA Public Resources Code 40950

WHEN AND WHERE DOES THE RECYCLING BOARD MEET?

The Recycling Board meets the second Thursday of each month at 4 p.m. or 6 p.m. Meetings are held either at StopWaste's offices or at different locations in each of the five supervisorial districts. Schedule and location of meetings are distributed at the beginning of each calendar year.



DATE: June 26, 2024
TO: Waste Management Authority (WMA) Board
FROM: Timothy Burroughs, Executive Director
SUBJECT: Election of WMA Officers for Fiscal Year 2025

SUMMARY

Authority officers’ terms are on a fiscal year basis. Since the end of June concludes the Agency’s fiscal year, it is time for election of new WMA Board officers, effective July 1, 2024.

DISCUSSION

Bob Carling (Livermore) from East County is the current President, Francisco Zermeño (Hayward) from South County is the current First Vice President, and Tracy Jensen (Alameda) from North County is the current Second Vice President.

It is customary, but not required by policy, for each officer to ‘advance one level’ each year. Therefore, the Board may choose to elect First Vice President Francisco Zermeño to serve as President, and current Second Vice President Tracy Jensen as First Vice President. The Authority must then elect a Second Vice President.

Authority policy calls for the geographic origin of officers to rotate each year. The next Second Vice President should therefore be from East County. The county’s geographic designation is determined by the member’s supervisorial district boundary:

- North County is defined as Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont and Unincorporated Alameda County.
- South County is defined as Fremont, Hayward, Newark, Oro Loma Sanitary District, San Leandro, and Union City.
- East County is defined Castro Valley Sanitary District, Dublin, Livermore, and Pleasanton.

RECOMMENDATION

That the WMA Board elect officers for Fiscal Year 2025.

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DATE: June 26, 2024
TO: Energy Council
FROM: Timothy Burroughs, Executive Director
SUBJECT: Election of Energy Council Officers for Fiscal Year 2025

SUMMARY

Energy Council Officers' terms are on a fiscal year basis. Since the end of June concludes the Agency's fiscal year, it is time for election of new officers for FY 2025, effective July 1, 2024.

DISCUSSION

David Haubert (Alameda County) is the current President; Mike Hannon (Newark) is the First Vice President; and David Mourra (Emeryville) is the Second Vice President.

It is customary, but not required by policy, for each officer to "advance one level" each year. Therefore, the Energy Council may choose to elect First Vice President Hannon to serve as President and current Second Vice President Mourra as First Vice President. The Energy Council would then elect a new Second Vice President.

Unlike the Waste Management Authority, the Energy Council does not need to consider geographic origin within the county when electing officers. At its inception, the Energy Council was interested in ensuring that the officers were not all from large or small member agencies. Larger agencies might be defined as those with more than one vote on the Energy Council, in recognition that they have larger populations than the other agencies. The agencies with more than one vote are the City of Oakland (3), County of Alameda (2), City of Hayward (2), and City of Fremont (2).

RECOMMENDATION

Staff recommends that the Energy Council elect officers for Fiscal Year 2025.

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**July 2024
Meetings Schedule**

**Alameda County Waste Management Authority, the Energy Council, Source Reduction &
Recycling Board, and Programs and Administration Committee**

(Hybrid meetings are held at StopWaste Offices unless otherwise noted)

SUN	MON	TUES	WED	THURS	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11 9:00 A.M. Programs & Administration Committee Key Items: 1. Food recovery network 2. Reuse/repair network <hr/> 6:00 P.M. Planning Committee & Recycling Board San Leandro Key Items: 1. Election of officers 2. Food recovery network 3. Reuse/repair network	12	13
14	15	16	17	18	19	20
21	22	23	24 3:00 P.M. Waste Management Authority & Energy Council Key Items: 1. Interim RB appointments for August & September 2. Lease ordinance (Consent) 3. Bottle Bill	25	26	27
28	29	30	31			
						31

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Energy Council
TECHNICAL ADVISORY GROUP (TAG)

Tuesday, May 21, 2024 – 1:00 pm to 2:00 pm on Zoom

Attendance (all via phone):

County of Alameda: Emily Sadigh, Courtney Leader (Fellow)
City of Albany: Michelle Plouse, Sutton Payne (Fellow)
City of Berkeley: Katie Van Dyke, Annika Lackner (Fellow)
City of Dublin: Shannan Young, Kate Battaglia (Fellow)
City of Emeryville: Nancy Humphrey, Talia Paulson (Fellow)
City of Fremont: Kranti Kapur, Allyn McAuley
City of Hayward: Erik Peason, Makenna Colucci (Fellow), Elise Pierce (Fellow)
City of Oakland: Shayna Hirshfield-Gold
City of Piedmont: Deniz Ergun, Alyssa Romea (Fellow)
City of Pleasanton: Megan Campbell, Aaron Zavala
Guests: Cait Cady, Ava Community Energy
StopWaste: Jennifer West, Chris Hunter, Emily Alvarez, Maria Hart, Miya Kitahara, Heather Larson, Wes Sullens, Robin Plutchok

Welcome and Intros

StopWaste Budget Goal on Construction Innovation – Miya Kitahara, StopWaste

- Miya introduced StopWaste’s goal to support Bay Area construction innovation:
 - StopWaste will advance circularity in building construction to support innovative businesses and products that use low-carbon materials and practices
 - Support energy efficiency and electrification to meet climate goals and prioritize the health of communities

Update on Embodied Carbon Efforts – Heather Larson and Maria Hart, StopWaste

- Embodied carbon has been a focus of the Agency for several years and is increasingly recognized as a key decarbonization objective locally and nationally
 - The Department of Energy (DOE) released a federal blueprint to decarbonize America’s building sector, which includes energy efficiency, emissions reductions, grid transformation, and minimizing embodied life cycle emissions.
 - In construction, opportunities for reducing embodied carbon include low-carbon materials, reuse, material efficiency, and biogenic materials.
- Buy Clean CA (AB 262) required Department of General Services to set a maximum Global Warming Potential (GWP) threshold for covered products for state public works projects:
 - Includes structural steel, rebar, flat glass, mineral wool board insulation
 - Did not include concrete → which is a gap to be filled by local governments and CALGreen
 - Alameda County GSA includes specifications for Low Embodied Carbon in their purchasing policy
 - Marin County Concrete Code was also adopted by Berkeley
- Heather provided an overview of Environmental Product Declarations (EPDs) and how they are being used, such as US Environmental Protection Agency (EPA) programs looking at EPDs for products to increase transparency of what is in the product (chemicals, carbon, etc.)
- StopWaste Construction and Demolition (C&D) and Reuse activities:
 - Policy toolkit
 - Building material reuse market impact study
 - Monitoring other ordinances (the only one in the Bay Area is Palo Alto)
 - Working group
- The focus is on bio-based, innovative materials and industrialized construction

- The Arup study we asked for focused on high potential bio-based materials and includes information on materials that are available, those which are most viable, and the benefits, and applications of those materials
- Mass timber and industrialized construction, including code and planning regulation updates are also key → Emeryville amended its development bonus point system to give credit for mass timber construction
- Future embodied carbon engagement includes:
 - Municipal and multifamily technical assistance (TA) to incorporate carbon-storing materials, including project compliance with embodied carbon codes, specifications for products, and deconstruction plans
 - Policy assistance, including the climate action plan embodied carbon calculator, continuing the Bay Area embodied carbon support group, a construction policy toolkit, and CALGreen implementation support

CALGreen Code on Embodied Carbon – Wes Sullens, USGBC/StopWaste

- Wes provided an overview of the CALGreen timeline for code updates on embodied carbon
- CALGreen’s mandatory embodied carbon measure applies to non-residential buildings over 100,000 sf and public schools over 50,000 sf starting July 1, 2024 and lowers to apply to all non-residential buildings over 50,000 sf beginning January 1, 2026.
 - It also covers non-residential portions of mixed use buildings and additions/modernizations/repurposed buildings over 100,000 sf
- Pathways for compliance include building reuse (minimum 45% of structure and enclosure), performing a whole building LCA and reducing emissions 10% from baseline, or a prescriptive approach to use products with EPDs
- Resources:
 - [SW webpage](#), including presentations and video for building officials
 - [Code language](#) and corresponding [guide](#)
 - [Carbon Leadership Forum](#)
 - [American Institute of Architects](#)