

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: CAROLINE L. FOWLER, CITY ATTORNEY
CITY ATTORNEY'S OFFICE
SUBJECT: SONOMA COUNTY WASTE MANAGEMENT AGENCY
EXTENSION DISCUSSION

AGENDA ACTION: RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT
EXTENDING THE TERM OF THE JOINT POWERS AGENCY
KNOWN AS THE SONOMA COUNTY WASTE MANAGEMENT
AGENCY

RECOMMENDATION

It is recommended by the City Manager and City Attorney that the Council authorize the City Manager to execute an Amendment to the Joint Powers Agreement extending the term of the Agency for one year to February 11, 2018.

EXECUTIVE SUMMARY

The City of Santa Rosa is a party to the Agreement between the Cities of Sonoma County and Sonoma County for a Joint Powers Agency to deal with Waste Management Issues known as the Sonoma County Waste Management Agency. The current agreement expires on February 11, 2017. An alternate provider for the services has not yet been identified. It is necessary to extend the term of the agency for one year to February 11, 2018 in order to determine how these services will be provided for in the future. This item relates to Council Goals 1 and 3.

BACKGROUND

1. In 1992, the City entered into an Agreement with the County and other Cities of Sonoma County to create a Joint Powers Agency to deal with wood waste, yard waste, household hazardous waste and public education. This agency became known as the Sonoma County Waste Management Agency (SCWMA).
2. The Agreement provided for a term of 25 years. The current agreement is therefore scheduled to terminate in February 2017.

3. Discussions have been underway for some time to determine if the County and the Cities wish to extend the SCWMA. The parties had numerous discussions including a presentation to the City Council in June 2014 regarding a matrix setting forth various issues for discussion of a proposed amendment.
4. Any amendment would require the unanimous vote of all members under the terms of the current JPA.
5. In light of the fact that agreement could not be reached on substantive changes to the JPA, the agency is now proposing a simple amendment to extend the term of the JPA for one year with no other changes to the agreement.

PRIOR CITY COUNCIL REVIEW

On June 9, 2015, a report item and discussion on the SCWMA Extension was brought before Council and Council Members provided feedback to the City Attorney and its SCWMA representatives regarding the matrix of issues. Direction was provided by the Council.

ANALYSIS

1. All cities are in the process of having such discussions regarding the extension. To date, the cities of Petaluma, Sebastopol, Cotati and Sonoma have approved an extension. The City of Healdsburg has appointed a council subcommittee to discuss and is likely to take action in March. The City of Windsor is scheduled to discuss at their March 2 meeting. If additional information is obtained regarding action by other cities prior to the meeting, this additional information will be provided to the City Council.
2. At this point, there has been no agreement or proposal for a successor agency or third party to take over the responsibilities of the JPA although there have been some discussion with the Regional Climate Protection Agency and a proposal was obtained from Republic for the household hazardous waste and composting operations. One of the challenges to having a third party take on the composting responsibilities is the CEQA pending litigation by RENALE over the Environmental review for selection of the new Composting site at the landfill. Currently, compost is being out hauled.
3. The proposed extension would allow for time to resolve the litigation and explore a third party taking over the operations of the JPA or allow the City to explore its own options for these services.

FISCAL IMPACT

There is no financial impact if extension is approved. If extension is not approved, City will incur costs of either obtaining service from a third party or having to provide in house when the current JPA expires. Specific cost not yet determined.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Resolution/Exhibit A (Agreement)

CONTACT

Caroline L. Fowler, City Attorney