

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL

FROM: GLORIA HURTADO, DEPUTY CITY MANAGER

SUBJECT: RESOLUTION APPROVING AMENDED AND RESTATED JOINT EXERCISE POWERS AGREEMENT FOR THE SONOMA COUNTY WASTE MANAGEMENT AGENCY (SCWMA)

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the City Manager's Office that the Council, by resolution, approve the attached Amended and Restated Joint Exercise of Powers Agreement (JPA) for the Sonoma County Waste Management Agency (SCWMA). Approval of the agreement would continue the City's participation in the services provided by the SCWMA, including organic material management, household hazardous waste collection and disposal, solid waste education and outreach, and regional solid waste planning and reporting.

EXECUTIVE SUMMARY

Approval of this item will continue the City's participation in the JPA and services provided by SCWMA. The Amended and Restated JPA specifically addresses the role and authority of the SCWMA. The agreement will remain in effect until the Agency is dissolved by the member cities.

BACKGROUND

SCWMA was formed in 1992 to address state legislation requiring Cities and Counties to divert a minimum of 50% of their waste from landfill disposal by 2000. SCWMA's core programs currently include Wood Waste and Yard Debris (organic material) processing, Household Hazardous Waste (HHW) collection and proper disposal, solid waste education and outreach, and state-required solid waste planning and reporting. The SCWMA's term was originally set for 25 years, but all members, including the City, agreed to extend the term an additional year, so the current term expiration is February 11, 2018. If the SCWMA is not extended or replaced, the services the SCWMA provides must be assumed by its members within their jurisdictions.

PRIOR CITY COUNCIL REVIEW

1992 – Joint Exercise of Powers Agreement for the Sonoma County Waste Management Agency established. (25 Year agreement)

June 9, 2015 – City Council discussed the extension of the Joint Exercise of Powers Agreement for the Sonoma County Waste Management Agency.

March 15, 2016 – By resolution, City Council authorized execution of an amendment extending the term of the Joint Powers Agency known as the Sonoma County Waste Management Agency.

ANALYSIS

The SCWMA Board of Directors, City and County staff, and governing Councils and Boards have been discussing the future of SCWMA programs for over three years. During that time, the efficacy of SCWMA programs has been examined by third parties and determined to have greater value performed by the SCWMA than with each jurisdiction performing the tasks individually. For the past several months, SCWMA staff and Counsel have drafted an Amended and Restated Joint Exercise of Powers Agreement, have shared that draft with all City Attorneys and County Counsel, incorporated feedback into a finalized draft agreement (Attachment A). The SCWMA Board approved this draft for distribution to SCWMA member agencies on December 21, 2016.

The Amended and Restated agreement retains the existing core programs (organics, HHW, education/outreach, and planning/reporting), while introducing the following noteworthy provisions:

- Continuing with the current composting program (directing green waste and wood waste to out of county compost facilities) and allowing members to opt into a potential future organics management program
- Allowing for HHW collection and processing to continue at the Central Disposal Site and adding flexibility to establish additional sites elsewhere in the county
- Allowing members to opt out of additional, non-core programs, and requiring that only participating members incur any additional costs for implementing those programs
- Removing the 25-year term (the SCWMA would remain in existence until dissolved), but requiring that a review of SCWMA programs be performed every ten years during a public meeting to determine whether any agreement amendments are necessary
- Retaining the unanimous vote requirement for the acquisition of interest in real property with a value of greater than \$250,000
- Requiring a supermajority vote (8/10) for the adoption of the SCWMA annual budget or budget amendments, authorization of expenditures of

- \$250,000 or more to a single source within a single fiscal year, incurrence of debt from public or private lending or financing sources in an amount of \$250,000 or more, and any fee increase or imposition of a new fee
- Removing provisions requiring the County to provide sites for composting and HHW at the Central Landfill

A comparison of the existing and proposed SCWMA agreements is included as Attachment B.

For the attached Amended and Restated Joint Exercise of Powers Agreement for the SCWMA to become effective, all participating members must approve the agreement in the same form. The agreement has been reviewed thoroughly by attorneys representing all Sonoma County cities, town, and the County, and all legal concerns were addressed in this final draft. The SCWMA Board of Directors reviewed and approved for distribution the attached agreement for the SCWMA at the December 21, 2016 SCWMA Board of Directors meeting.

Any changes to the agreement proposed by this Council would need to be approved by all other participating members, including members who may have already approved this agreement. Staff requests that any proposed changes be made with the understanding that arriving at this agreement language has required many, many hours of collective negotiations from City, Town, County, and SCWMA staff, and that even minor changes will require additional analysis and consideration by all participating members.

FISCAL IMPACT

No additional funding impacts are expected from the approval of the Amended and Restated Joint Exercise of Powers Agreement for the SCWMA, as the funding sources for that agency (tipping fee surcharges, grants, and agreement-defined contributions) are not expected to change in the 2017-18 Fiscal Year.

In the event of non-participation, additional costs for City implementation of SCWMA programs range from about \$15,000 to \$450,000 per year.

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 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1: Amended and Restated Joint Exercise of Powers Agreement
- Attachment 2: Comparison of Key JPA Terms
- Resolution/Exhibit

CONTACT

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