

RESOLUTION NO. 28752

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE (1) YEAR EXTENSION TO THE TERM OF THE AGREEMENT BETWEEN THE CITIES OF SONOMA COUNTY AND SONOMA COUNTY FOR A JOINT POWERS AGENCY TO DEAL WITH WASTE MANAGEMENT ISSUES

WHEREAS, the City of Santa Rosa (the "City") is a party to that certain Agreement between the cities of Sonoma County and Sonoma County for a Joint Powers Agency to deal with waste management issues, as amended on January 24, 1996 by the First Amendment to the Agreement, and on March 27, 2014 by the Second Amendment to the Agreement (collectively, the "Agreement"); and

WHEREAS, the Agreement created the Sonoma County Waste Management Agency (the "Agency") as a separate public entity in accordance with the requirements of Government Code section 6500 *et seq.* (the "Agency"), to provide service to the Sonoma County region on four primary programs; (1) household hazardous waste; (2) wood waste; (3) yard waste that otherwise would go to a landfill; and (4) education about the Agency's programs (collectively, the "Agency Programs"); and

WHEREAS, the Agency further serves as a Regional Agency designated by the California Integrated Waste Management Board in compliance with Public Resources Code section 40975 for purposes of implementing, monitoring and reporting programs to meet the goals established by the Integrated Waste Management Act of 1989 on behalf of the member cities and County (a "Regional Agency"); and

WHEREAS, the Agreement has a term of twenty-five (25) years, which term expires on February 11, 2017, which term may be extended from year to year by mutual agreement of the member cities and County; and

WHEREAS, the expiration of the Agreement would result in the dissolution of the Agency; and

WHEREAS, the Board of the Agency is engaged in discussion regarding the future of the Agency and the Agency Programs, including whether to recommend to the member cities and County to enter into a new or amended joint exercise of powers agreement to continue the Agency Programs and its service as a Regional Agency, or to address the Agency Programs in another manner, including transitioning the Agency Programs to one or more other agencies and potentially establishing a new agency to serve as a Regional Agency for the member cities and County; and

WHEREAS, the City supports a regional approach to the Agency Programs, but recognizes that the member cities and County may require additional time beyond the expiration of the term of the Agreement to negotiate the terms of a new joint exercise of

powers agreement or agree upon an entity or entities to take over responsibility for the current Agency Programs; and

WHEREAS, in the event such additional time is needed to determine the future of the Agency, the City is willing to extend the term of the Agreement for one (1) year from the current date of expiration; and

WHEREAS, the Agency has indicated that in the event all of the member cities and County have not agreed upon and designated one or more successor agencies to assume responsibility for all of the Agency Programs and serve as a Regional Agency for the member cities and County, or elected to withdraw from the Agency, on or before July 1, 2016, the Agency will require an additional year to either develop a plan for the continuation of the Agency Programs, or efficiently transition the Agency's operations to other agencies and/or the member cities and County.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Santa Rosa that in the event that the City and the other member cities and County have not all agreed upon and designated one or more successor agencies to assume responsibility for the Agency Programs and to serve as a Regional Agency for the member cities and County, or have elected to withdraw from the Agency, on or before July 1, 2016, the City agrees to extend the term of the Agreement by one (1) year from its current expiration date. Upon such extension, the new expiration date for the Agreement shall be February 11, 2018.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute and deliver any and all documents necessary to carry out such extension in accordance with this Resolution, subject to approval as to form by the City Attorney.

IN COUNCIL DULY PASSED this 15th day of March, 2016.

AYES: (5) Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Carlstrom, Combs, Wysocky

NOES: (0)

ABSENT: (2) Council Members Coursey, Olivares

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
Interim City Clerk Mayor

APPROVED AS TO FORM:

City Attorney