

Meeting Date: September 3, 2013

Report Type: Discussion

**Law and Legislation
Committee Report**

915 I Street, 1st Floor

www.CityofSacramento.org

Title: Ordinance Repealing City Code Chapter 2.100 related to the City-County Solid Waste Advisory Committee/Local Task Force

Location: Citywide

Issue: The Solid Waste Advisory Committee (SWAC) is being restructured to become only the Sacramento County Local Task Force (LTF), which has the primary purpose of reviewing and commenting on new and/or revised jurisdictional integrated waste management planning documents. Sacramento County (County) requires the City, as a current member of the SWAC, to adopt new rules for this restructure.

Recommendation: Review and forward a recommendation to the City Council to approve an ordinance repealing Chapter 2.100 of the City Code, "City-County Solid Waste Advisory Committee/Local Task Force" to be in full compliance with state law.

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Presenter: Chris Thoma, Program Analyst, (916) 808-4833

Department: General Services

Division: Recycling and Solid Waste Division

Dept ID: 13001711

Attachments:

- 01 Description Analysis
- 02 City Code Chapter 2.100
- 03 Sacramento County Local Task Force (LTF) Responsibilities and Organization
- 04 Ordinance Repealing City Code Chapter 2.100

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Attachement 01 - Description/Analysis

Issue: The SWAC is a partnership between the City and County that reviews and comments on new and/or revised jurisdictional integrated waste management planning documents, as required by Assembly Bill (AB) 939. With the passage of AB 341, effective January 2012, the SWAC is no longer required to review and comment on amendments to Non-Disposal Facility Element (NDFE) planning documents. The SWAC requirement is now limited to: 1) review and comment on new plans and revisions to all other existing plans, and 2) review and comment on the five-year review of the County-wide planning documents, which comes due every five years.

To reflect this change, the County proposes to restructure the SWAC into the Sacramento County LTF. As a current member of the SWAC, the City must adopt new rules for the LTF, which requires repealing Chapter 2.100 of the City Code (Attachment 1). These new rules, listed in Attachment 2, "Sacramento County Local Task Force (LTF) Responsibilities and Organization", are no longer required to be codified. If the repeal of Chapter 2.100 is approved by the Law & Legislation Committee, the new rules listed in Attachment 2 will be presented to the City Council for adoption via a resolution at a later date.

Policy Considerations: The California Integrated Waste Management Act of 1989 (AB 939) requires every county in California to have a LTF. Adoption of the new rules is necessary for compliance with the State of California.

Economic Impacts: None

Environmental Considerations:

California Environmental Quality Act (CEQA): No environmental review is necessary because the recommendation in this report involves a continuing administrative activity and is not considered to be a project in accordance with Section 15378(b)(2) of the CEQA Guidelines.

Sustainability: Continued membership in the Sacramento County LTF will contribute to the City's goal of a sustainable City, and continue cooperation between the region's jurisdictions.

Commission/Committee Action: None

Rationale for Recommendation: This recommendation is necessary to remain a member of the Sacramento County LTF, as well as comply with AB 939.

Financial Considerations: Repealing City Code Chapter 2.100 will not result in any additional financial cost to the City.

Emerging Small Business Development (ESBD): No goods or services are being purchased as a result of this report.

Attachment 02 – City Code Chapter 2.100

Sacramento City Code Chapter 2.100

(to be repealed)

- **Chapter 2.100 CITY-COUNTY SOLID WASTE ADVISORY COMMITTEE/LOCAL TASK FORCE**
- **2.100.010 Established.**

The city-county solid waste advisory committee/local task force (SWAC/LTF) is established, following reorganization to reflect a streamlined committee. (Prior code § 60.15.130)

- **2.100.020 Definitions.**

As used in this chapter, the following definitions apply:

“Board” means the board of supervisors of Sacramento County.

“Committee” means the city/county solid waste advisory committee/local task force (SWAC/LTF)

“County” means the county of Sacramento.

“Local agency” means the county or a city in the county of Sacramento.

“Member” means a person appointed by a participating agency to the committee.

“Participating agency” means a local agency that meets the requirements of Section 2.100.030(A). (Ord. 2008-014 § 1; prior code § 60.15.131)

- **2.100.030 Membership, appointments and terms of office.**

A. Any local agency may become a participating agency upon adopting or indicating its acknowledgment and agreement to this chapter.

B. Membership of the committee shall be based on population as follows:

1. A participating agency with a population of twenty thousand (20,000) residents or less shall appoint one member.
2. A participating agency with a population of more than twenty thousand (20,000) but less than three hundred thousand (300,000) residents shall appoint two members.
3. A participating agency with a population of three hundred thousand (300,000) or more residents shall appoint three members.

C. Member term, appointment method, and qualifications shall be determined by each individual participating agency. Vacancies shall be filled by the appropriate participating agency as soon as possible after a membership seat has been vacated.

D. Members appointed by the city of Sacramento to the committee shall be appointed by the mayor with the approval of the Sacramento city council. Members shall serve a term of four years. No member shall serve for more than two consecutive terms.

Members appointed by the city of Sacramento to the committee shall be as follows:

1. One member shall be a representative of the recycling community and/or businesses.

2. One member shall be a representative of the integrated waste management industry (may include solid waste collection, transfer, storage, processing, composting, transformation, or disposal).
3. One member shall be a representative of residential generators and/or environmental groups. (Ord. 2008-014 § 2; Ord. 2000-049 §§ 1, 2; prior code § 60.15.132)

- **2.100.040 Absences.**

The office of any member who fails to attend three or more consecutive meetings without the approval of the majority of the members of the committee shall automatically become vacant. An emergency or other event beyond the control of a member may be deemed as an excusable absence by the committee after the fact. At a meeting following the third consecutive absence of a member, the chairperson shall call for a vote of the committee to determine if any of the absences is excusable. If the member is determined by a vote of the committee to have three unexcused absences, that member shall be informed by the chairperson that he or she is no longer a member of the committee, and the appointing jurisdiction shall appoint a new member. The affected member may attend the meeting to make his or her case to the committee to excuse the absences. If the affected member is not at the meeting, the chairperson and the committee shall act without input from the affected member. (Prior code § 60.15.133)

- **2.100.050 Responsibilities.**

A. The committee shall advise the Sacramento regional county solid waste authority, the county board of supervisors, and the city councils of the participating agencies on the following subjects:

1. Matters relating to the county integrated waste management plan and all of its state-mandated city and/or county unincorporated area waste management planning elements; and
2. Matters relating to integrated waste management, including public education, source reduction, recycling, composting, transformation, materials recovery/resource recovery and marketing, and refuse and recyclables, storage, collection, transfer, processing and disposal.

B. The committee shall be the Local Task Force as required by California Public Resources Code section 40950.

C. Participating agencies shall report to the committee on matters pertaining to AB 939, California Integrated Waste Management Act of 1989 (Public Resources Code Section 40000 et seq.) requirements, proposals for new waste management facilities, significant changes to diversion programs, waste management issues, programs or facilities potentially of concern to more than one local agency, and solid waste matters to be considered by the county board of supervisors or city councils of the participating agencies. (Ord. 2008-014 § 3; prior code § 60.15.134)

- **2.100.060 Meetings.**

A. The committee shall hold regular meetings at a time and place selected by a majority vote of the committee. The meeting schedule shall be set in keeping with the need to accomplish countywide integrated waste management work.

B. A quorum shall be present for the committee to meet and to take action. A quorum shall be fifty (50) percent of the total appointed members of the committee, with members present from at least three participating agencies. All issues shall be resolved and business acted upon by a simple majority vote of the members present, only when a quorum is present. (Ord. 2008-014 § 4; prior code § 60.15.135)

- **2.100.070 Committee compensation and expense.**

A. Members of the committee shall serve without any compensation except for county preapproved reimbursement for necessary travel and expenses.

B. The expenses of the committee shall be borne by the county.

C. The county shall be the fiscal agent for the committee, and a county staff person shall serve as staff to the committee. (Ord. 2008-014 § 5; prior code § 60.15.136)

- **2.100.080 Designated appointments.**

The current members of the SWAC/LTF on the date the ordinance codified in this chapter becomes effective shall be automatically appointed to the reorganized SWAC/LTF. (Prior code § 60.15.137)

**SACRAMENTO COUNTY LOCAL TASK FORCE (LTF)
RESPONSIBILITIES AND ORGANIZATION**

I. MEMBERSHIP, APPOINTMENTS, AND TERMS OF OFFICE

- A. A jurisdiction becomes a LTF member agency upon adopting these rules.
- B. There shall be one LTF member seated per member agency.
- C. LTF member term and appointment method shall be determined by the individual appointing authority. Vacancies shall be filled by the appointing authority as soon as possible after a membership seat has been vacated.

II. RESPONSIBILITIES

The Sacramento County LTF shall be the Local Task Force as required by California Public Resources Code Section 40950 and shall comply with current State regulations.

III. LTF MEETINGS

The LTF shall hold meetings as needed at a time and place selected by the LTF members. The meeting schedule shall be set in keeping with the need to accomplish LTF business.

IV. LTF COMPENSATION AND SUPPORT

- A. Members of the LTF shall serve without any compensation.
- B. The County shall serve as the lead agency to the LTF.

Attachment 04 – Ordinance Repealing City Code Chapter 2.100

ORDINANCE NO. 2013-xxx

Adopted by the Sacramento City Council

xxxxx, 2013

**AN ORDINANCE REPEALING CHAPTER 2.100 OF THE SACRAMENTO CITY CODE,
RELATING TO THE CITY-COUNTY SOLID WASTE ADVISORY COMMITTEE/LOCAL TASK
FORCE**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Chapter 2.100 of Title 2 of the Sacramento City Code is repealed.