

City of Sacramento
State Legislature



BILL REFERRAL

DATE: 6/3/93 COMMITTEE ACTION: For Information Only

TO: Law and Legislation Committee DATE: 6/4/93

FROM: KENNETH EMANUELS, LEGISLATIVE ADVOCATE

REPLY NO LATER THAN: _____

A.B. _____ As Amended _____ * Author: _____

S.B. 855, As Amended 4/12/93 * Author: Senator Greene

*Date of introduction or latest amendment.

Please review the attached measure to determine its effect upon the City of Sacramento and complete the following questions as appropriate. During your analysis of this measure, if questions arise, please feel free to contact Ken Emanuels at 444-6789, FAX 444-0303 (1400 K Street, Suite 306, Sacramento, CA 95814). This questionnaire should be returned to the City Attorney's office for presentation to the Council Committee on Law and Legislation. PLEASE LEAVE THE BILL ATTACHED TO THIS FORM.

NO RECOMMENDATION. If you think no Committee action on this bill should be taken, either because the bill is not of sufficient importance to the City or for any other reason, please mark here, do not fill out the rest of the form, and return this form to the City Attorney's Office. _____

PLEASE TYPE YOUR RESPONSE

1. Briefly describe the provisions of the bill (attach additional sheets if necessary).

SB 855 would create the Sacramento County Regional Solid Waste Management District. This special district would effectively consolidate functions of the City's Solid Waste Division the Sacramento County Solid Waste Management Division. Consolidation of City operations would be subject to a City Council Agreement with Local 39 requiring a ratification vote of the union membership approving the employee transition plan. Failing approval of a vote by City collection workers, collection activities would remain under the auspices of the City. Planning functions, operation of all publicly owned disposal facilities in the County, and maintenance of the closed City Landfill would be transferred to the Sacramento County Regional Solid Waste Management Authority.

2. This measure should be: (Please circle desired position.)

Supported

Opposed

Supported if amended

Placed on Watch List

Other (explain)

3. Please explain your reasons for the above determination, including how this measure affects your Department and the fiscal impact of this measure on the City. Please make your comments in a format that can be used in a letter to State officials. (Continue on next page or attach additional sheets if necessary.)

The City of Sacramento is already on record for support of this legislation.

4. Specify the City's legislative policy guideline(s) applicable to this measure (if any).

City Council approved a work program and schedule for the formation of a Sacramento Area Joint Powers Authority on October 6, 1992. City Council also approved the development of special State legislation for creating the Sacramento Regional County Solid Waste District as a separate political entity.

5. If this measure could be amended to either improve its favorable aspects or to minimize its adverse aspects, which amendments would you propose?

City and County staff plan to provide the Law and Legislation Committee a 10 minute presentation and update on SB 855. City and County staff will verbally address the need for any amendments to this bill based on the most recent rewrite as of 6/15/93.

6. List known support or opposition to this measure by groups with which you are familiar and include addresses and phone numbers, if known. League of California Cities position:

This legislation is formally supported by the City of Sacramento and Sacramento County. There is no known opposition to this measure at this time. The League of California Cities has not taken a position on this bill.

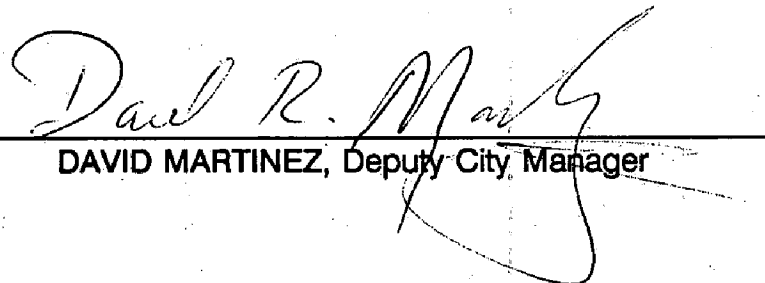
7. Does this bill involve a State-mandated local program? If so, does the bill contain a State-mandated waiver, or an appropriation for allocation and disbursement to local agencies pursuant to Revenue and Taxation Code Section 2231?

NO

8. Using a rating scale of 1 to 10 (with 10 as the most important), how important do you think this bill is to the City of Sacramento? 10

FORM COMPLETED BY: Gary Van Dorst, Waste Reduction Coordinator DATE: 6/2/93

RECOMMENDATION APPROVED:


DAVID MARTINEZ, Deputy City Manager

AMENDED IN SENATE APRIL 12, 1993

SENATE BILL

No. 855

Introduced by Senator Greene

March 4, 1993

An act to add Division 32 (commencing with Section 60000) to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 855, as amended, Greene. Sacramento County Regional ~~County~~ Solid Waste Management District.

(1) Existing law, The California Integrated Waste Management Act of 1989, requires the preparation of countywide or regional agency integrated waste management plans that include source reduction and recycling elements and household hazardous waste elements prepared by each city, county, or regional agency.

This bill would enact the Sacramento County Regional ~~County~~ Solid Waste Management District Act to create the Sacramento County Regional ~~County~~ Solid Waste Management District on February 1, 1994. The bill would authorize the district to, among other things, carry out the provisions of the California Integrated Waste Management Act of 1989. The bill would impose a state-mandated local program by requiring the county and cities within Sacramento County to appoint members to the governing board of the district.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Division 32 (commencing with Section
2 60000) is added to the Public Resources Code, to read:

3
4 DIVISION 32. SACRAMENTO REGIONAL COUNTY
5 SOLID WASTE MANAGEMENT DISTRICT ACT

6
7 CHAPTER 1. GENERAL PROVISIONS

8
9 60000. This division shall be known and may be cited
10 , and may be cited, as the Sacramento Regional County
11 County Regional Solid Waste Management District Act.
12 60001. The Legislature hereby finds and declares as
13 follows:

14 (a) The California Integrated Waste Management Act
15 of 1989 (Division 30 (commencing with Section 30000))
16 requires the preparation of countywide or regional
17 agency integrated waste management plans that
18 include, among other elements, source reduction and
19 recycling elements and household hazardous waste
20 elements prepared by each city, county, or regional
21 agency.

22 (b) The cities within Sacramento County and the
23 county find City of Sacramento and the County of
24 Sacramento have found that it would be to their mutual
25 advantage and benefit to work together and share costs
26 to plan and implement source reduction and recycling,
27 public education, household hazardous waste
28 management, and other solid waste management
29 programs.

30 (c) It is the desire of the cities and county to use any
31 power available to them in the accomplishment of these
32 goals.

33 (d) The purpose of this division is to establish a district
34 to be known as the Sacramento Regional County Solid
35 Waste Management District for the purpose of: in the
36 planning, implementation, and enforcement of solid

1 waste management programs, including source
2 reduction and recycling, household hazardous waste
3 management, and public education.

4 (e) The purpose of this division is to establish a district
5 for the purpose of: in the planning, implementation, and
6 enforcement of solid waste management programs,
7 including source reduction and recycling, household
8 hazardous waste management, and public education.

9 (c) The purpose of this division is to establish a district
10 for the purpose of:

11 (1) Providing a coordinated solid waste management
12 system for the city and county and cities within the
13 county, including efficient solid waste facility and
14 program program and solid waste facility planning, and
15 the development of comprehensive and cost-effective
16 solid waste management services.

17 (2) Demonstrating a commitment to, and facilitating
18 the development of, the most efficient and cost-effective
19 strategies for achieving source reduction and recycling
20 goals, and establishing markets for recycled products.

21 60002. "Board of supervisors" means the Sacramento
22 County Board of Supervisors.

23 60003. "City" means any city within Sacramento
24 County.

25 60004. "County" means the County of Sacramento.

26 60004.
27 60005. "District" means the Sacramento Regional
28 County Solid Waste Management District.

29 60005.
30 60006. "Governing board" means the governing body
31 of the district.

32 60007. "State act" means the California Integrated
33 Waste Management Act of 1989 (Division 30
34 (commencing with Section 40000)).

35
36 CHAPTER 2. CREATION OF THE SACRAMENTO
37 REGIONAL COUNTY SOLID WASTE MANAGEMENT
38 DISTRICT

39
40 60020. (a) The Sacramento Regional County County

1 Regional Solid Waste Management District is hereby
2 created on February 1, 1994. The maximum jurisdiction
3 of the district shall include all areas within the county.

4 ~~(b) Each city situated within the maximum~~
5 ~~jurisdictional boundaries described in subdivision (a) and~~
6 ~~the county shall adopt a resolution stating its intent to be~~
7 ~~included within the district's jurisdiction by January 15,~~
8 ~~1994. If a city fails to adopt that resolution or formally~~
9 ~~states its intent not to participate, it shall be excluded~~
10 ~~from the district's jurisdiction.~~

11 (b) On or before January 15, 1994, the city and the
12 county shall adopt a resolution stating their intent that
13 their territory be included within the district's
14 jurisdiction. Any other city within the county may
15 subsequently have its territory included in the district by
16 submitting a resolution to the governing board stating its
17 intent to be included in the district, and upon the
18 approval of a majority of the members of the governing
19 board.

20 60021. The formation of the district shall not become
21 effective until February 1, 1994, and shall only become
22 effective if, prior to February 1, 1994, the county and the
23 city has adopted the resolution of intent required by
24 subdivision (b) of Section 60020.

25
26 CHAPTER 3. ADMINISTRATION
27

28 60025. The initial governing board shall consist of
29 eight members, as follows:

30 (a) Three members of the Sacramento City Council,
31 appointed by the Mayor of Sacramento.

32 (b) Five members of the board of supervisors.

33 60026. (a) The membership of the governing board
34 shall be adjusted to correspond to changes in population.
35 Beginning in 1995, and once every five years thereafter,
36 the composition of the governing board shall be
37 restructured ~~according to~~ in accordance with changes in
38 population. Each city that adopts a resolution stating its
39 intent to participate in the district shall have one
40 representative member for every 130,000 in population.

1 If the population increases so that the number of
2 representatives of the unincorporated areas of the
3 county, based on one representative for every 130,000 in
4 population, is more than five, the threshold for increasing
5 membership according to population shall be increased
6 to maintain a representation based on five members.

7 (b) If existing cities in the county, or cities created
8 subsequent to the effective date of this division, petition
9 the governing board to join the district and, if the
10 governing board of the district consents, a city may have
11 a representative on the governing board if the population
12 of the petitioning city is greater than 65,000.

13 ~~(c) Each governing board member, in addition to~~
14 ~~their regular appointments, shall appoint one or more~~
15 ~~elected officials who will serve as alternate appointees~~
16 ~~and members of the governing body and shall be~~
17 ~~authorized to cast votes in the absence of the regular~~
18 ~~appointees and members or, in the event of a~~
19 ~~disqualification, to vote because of conflict of interest.~~

20 (c) Each governing board member shall select an
21 alternate member of the governing board, who shall be
22 a member of the city council or board of supervisors, as
23 the case may be, and who may vote in the absence or
24 disqualification of the regular member.

25 (d) The term of office of each member of the
26 governing body of the district board shall be coextensive
27 with the term of the elective office which the member
28 holds.

29 (e) The governing body board shall annually select a
30 chairperson from its membership, with the chairperson
31 alternately selected from the city and the county.

32 60027. Each city within the district and the county
33 shall authorize and designate its representatives to vote
34 for it at all meetings of the district.

35 ~~(a) Each governing body~~

36 (f) Each governing board member shall have one
37 vote, except in case of a tie vote, when the chairperson
38 of the governing board shall have two votes. A majority
39 vote of those present and voting shall be required for any
40 action of the governing board.

1 (b)

2 (g) A majority of the members of the governing board
3 shall constitute a quorum for the transaction of business,
4 except that less than a quorum may vote to adjourn a
5 meeting.

6 60028. (a) The controller of the district shall be the
7 auditor-controller of the county; the clerk of the district
8 shall be the clerk of the the board of supervisors; the legal
9 counsel of the district shall be the county counsel of the
10 county; and the treasurer of the district shall be the
11 treasurer-tax collector-county clerk-recorder of the
12 county.

13 (b) The controller of the district shall cause an
14 independent audit of the district's finances to be made by
15 a certified public accountant, or public accountant, in
16 compliance with Section 6505 of the Government Code.

17 60029. Within 90 days after the first meeting of the
18 governing board, and thereafter prior to the
19 commencement of each fiscal year (~~defined as July 1~~
20 ~~through June 30~~), the governing board shall adopt a
21 budget for the district for the ensuing fiscal year.

22 CHAPTER 4. POWERS AND FUNCTIONS

23 60030. (a) *Any merger of county and city solid waste*
24 *management operations pursuant to this division shall be*
25 *subject to the provisions contained in that certain*
26 *agreement between the city, county, and Stationary*
27 *Engineers Local 39 International Union of Operating*
28 *Engineers, AFL-CIO, dated December 11, 1992.*

29 (b) *Unless otherwise provided in the agreement*
30 *specified in subdivision (a), all officers and employees of*
31 *the city and the county who, as of the date of formation*
32 *of the district, have solid waste management*
33 *responsibilities shall be ex officio officers and employees,*
34 *respectively, of the district, shall, unless otherwise*
35 *provided by the governing board, perform, without*
36 *additional compensation, for the district those duties that*
37 *they performed for the city or the county, and, to the*
38 *extent appropriate, the provisions of Sections 40121,*
39 *40122, 40123, and 40125 of the Health and Safety Code,*
40 *with regard to the officers and employees of a county air*

1 40122, 40123, and 40125 of the Health and Safety Code,
2 with regard to the officers and employees of a county air
3 pollution control district, shall apply to the officers and
4 employees of the district.

5 (c) The Director of Public Works of Sacramento
6 County shall be the chief administrative officer of the
7 district and shall be responsible for the proper and
8 efficient administration of the district. In addition to the
9 other powers and duties ~~provided~~ *delegated by the*
10 *governing board*, the chief administrative officer shall
11 have the power:

12 (a) Under the policy direction of the governing board,
13 to plan, organize, and direct all district activities.

14 (b) To authorize expenditures within the designations
15 and limitations of the approved budget.

16 (c) To make recommendations to and requests of the
17 governing board concerning all of the matters that are to
18 be performed by the governing board.

19 (d) To have charge of, handle, or have access to any
20 property of the district.

21 60031. The district shall provide for regular meetings
22 and special meetings in accordance with the Ralph M.
23 Brown Act; Chapter 9, (Chapter 9 (commencing with
24 Section 54950) of Part 1 of Division 2 of Title 5; of the
25 Government Code of the Government Code).

26 60032. The district shall do all of the following:

27 (a) Act as the responsible entity for the acquisition,
28 assumption, siting, licensing, construction, financing,
29 disposition, condemnation, use, operation, and
30 maintenance of all solid waste facilities.

31 (b) Provide comprehensive solid waste management
32 services, including, but not limited to, collection, transfer,
33 disposal, source reduction, recycling, composting, and
34 household hazardous waste programs.

35 (c) Prepare and implement countywide integrated
36 solid waste management plans that meet all the
37 requirements of the applicable regulatory agencies,
38 including responsibility for setting diversion goals and
39 paying fines.

40 (d) Provide public education and market

1 development programs in support of the diversion
2 programs.

3 ~~(e)~~ Establish fees for solid waste facilities, handling
4 and disposal, and special local fees and commercial
5 permit fees. Fees shall be collected by direct billing on
6 utility bills either at district facilities or by such other
7 methods deemed appropriate.

8 ~~(f)~~

9 (a) Notwithstanding any provision of the state act to
10 the contrary, the district shall be the certified local
11 enforcement agency for purposes of the state act for solid
12 waste management within the district, shall have all the
13 powers and duties of a local enforcement agency under
14 the state act, and shall be subject to all of the
15 requirements of the state act, except as otherwise
16 specifically provided in this division.

17 (b) The district shall plan and coordinate the siting of
18 all solid waste facilities with the district. The district shall
19 have all of the powers and duties of a regional agency
20 under the state act, including, but not limited to, the
21 adoption and implementation of the regional agency
22 integrated waste management plan and the elements
23 thereof.

24 (c) The district may regulate any publicly or privately
25 owned solid waste facility wherever located within the
26 district on all matters directly or indirectly related to
27 solid waste management that may affect the public
28 health and safety or the environment, and shall have the
29 exclusive power to determine the fees charged to the
30 public and to solid waste handlers for the use of a solid
31 waste facility. The district may regulate solid waste
32 facilities by ordinance or by contract or franchise, or both,
33 as may be determined by the district. Fees shall be
34 collected at district facilities by direct billing on utility
35 bills or by such other method as the district determines
36 to be appropriate. Any fees which become delinquent
37 may, upon order by the governing board, be placed upon
38 the assessment roll and collected by the county tax
39 collector in the same manner as general ad valorem taxes.
40 In the event of such an order by the governing board,

1 delinquent fees shall become a lien on the property
2 against which they are assessed.

3 ~~(d)~~ Provide public education and market
4 development programs in support of the policies and
5 requirements of the state act.

6 ~~(e)~~ Make and enter into contracts and franchises;
7 issue permits; employ agents and employees; lease,
8 acquire, construct, provide for maintenance and
9 operation, or maintain and operate, any building, works
10 or improvements; acquire, hold, or dispose of property
11 wherever located; incur debts, liabilities or obligations;
12 receive gifts, contributions, and donations of property,
13 funds, services, and other forms of assistance from
14 persons, firms, corporations, and any governmental
15 entity; sue and be sued in its own name; sell assets and
16 accrue revenues; generally, do any and all things
17 necessary or convenient to provide reasonable options
18 for the management of solid waste collection, transfer,
19 disposal and diversion activities.

20 ~~(g)~~

21 ~~(f)~~ Acquire and dispose of all kinds of property and
22 ~~utilize~~ have the power of eminent domain.

23 ~~(h)~~

24 ~~(g)~~ Issue, or cause to be issued, bonded and other
25 indebtedness, and pledge any property or revenue as
26 security to the ~~extend extent~~ permitted under Article 2
27 (commencing with Section 6540) of Chapter 5 of Division
28 7 of Title 1 of the Government Code or otherwise,
29 including, but not limited to, bonds or other evidences of
30 indebtedness of a nonprofit corporation issued on behalf
31 of the district or any of its parties.

32 ~~(i)~~

33 ~~(h)~~ To the extent permitted under Article 2
34 (commencing with Section 40059) of Chapter 1 of
35 Division 30), deliver or cause to be delivered all of the
36 solid waste collected within and by, or under contract to,
37 or permit with, the city, county or district, to solid waste
38 facilities, as directed by the district. The district shall
39 ~~exercise flow control~~ manage solid waste so that no city
40 or the county, within the district, nor any private solid

1 waste handler who provides solid waste handling services
 2 shall suffer undue economic hardship where any such
 3 city, county, or private collector performs recycling solid
 4 waste handler operates resource recovery facilities in
 5 conjunction with its solid waste handling services.

6 ~~(h)~~

7 (i) Be responsible for all programs, activities, and
 8 employees in the city and the county related to the
 9 provisions of solid waste management.

0 (j) Create zones within its jurisdiction in which it may
 1 provide differing levels of service and on behalf of which
 2 it may independently carry out the powers and duties
 3 specified in this division, provided that the governing
 4 board determines that the creation of such a zone is in the
 5 best interest of the district and its residents.

6 60033. Notwithstanding any other provision of law:

7 (a) Any city within which the district provides any
 8 solid waste handling services may impose a fee upon the
 9 district which may not exceed the fee that the city could
 0 have charged a private franchisee providing the same
 1 services, provided, however, that the fee may not, in any
 2 case, exceed 5 percent of the total revenue which the
 3 district derives from its operations within the city.

4 (b) The county, to the extent that the district provides
 5 any solid waste handling services within the
 6 unincorporated territory of the county, may impose a fee
 7 upon the district which may not exceed the fee that the
 8 county could have charged a private franchisee
 9 providing the same services, provided, however, that the
 0 fee may not, in any case, exceed 5 percent of the total
 1 revenue which the district derives from its operations
 2 within the unincorporated territory.

3 SEC. 2. No reimbursement is required by this act
 4 pursuant to Section 6 of Article XIII B of the California
 5 Constitution because this act is in accordance with the
 6 request of a local agency or school district which desired
 7 legislative district to carry out the program specified in
 8 this act. Notwithstanding Section 17580 of the
 9 Government Code, unless otherwise specified in this act,
 0 the provisions of this act shall become operative on the

1 same date that the act takes effect pursuant to the
 2 California Constitution.

EDNA

THIRD READING

SB 855

Greene (D)

4/12/93

21

SUBJECT: Sacramento Regional County Solid Waste District

SOURCE: Author

DIGEST: This bill creates the Sacramento County Regional Solid Waste Management District (SCRSWMD) for the purpose of providing one regional agency for the Sacramento Community that will manage and coordinate activities related to solid waste.

ANALYSIS: The California Integrated Waste Management Act (AB 939 of 1989) requires cities and counties to prepare, adopt and implement integrated waste management plans which, among other things, show that a local government will divert through source reduction, recycling, or composting 25% of solid waste disposed by 1995 and 50% or the maximum feasible amount by the year 2000. Failure to meet the mandated waste diversion requirements places individual cities and counties in jeopardy of being assessed penalties up to \$10,000 per day.

The Act provides that a city or county may enter into an agreement with another city or county to form a "regional" agency for the purpose of implementing the various source reduction elements required by the Act. The Act also allows full regional authority (i.e., the ability to fully cooperate and "average" goal attainment without reference to individual achievement) only for rural areas with no more than 250,000 combined population.

Existing law also gives cities and counties the authority to contract for the collection and disposal of solid waste and recyclable material as well as the authority to grant franchises for the handling of solid waste.

Specifics of Senate Bill 855:

1. SB 855 enacts the Sacramento County Regional Solid Waste Management District Act of 1993 and creates the Sacramento County Regional Solid Waste Management District (SCRSWMD) on February 1, 1994 for the purpose of carrying out the provisions of the California Integrated Waste Management Act and providing a coordinated solid waste management district for the County of Sacramento and its cities.
2. Requires the County of Sacramento and the City of Sacramento to adopt a resolution of intent to establish the SCRSWMD and also authorizes any other city within the county (Folsom, Isleton, Galt -- FIG cities) to be included.
3. Provides that the initial governing board will consist of 8-members (3 Sacramento City Council members and 5 board of supervisors) and requires periodic restructuring of the membership, as specified, to correspond to changes in population.
4. Specifies that the county will be the lead agency relative to administration of the SCRSWMD and requires specified county officials to serve as controller, clerk, legal counsel, treasurer, and chief administrative officer.
5. Provides that any merger of county and city solid waste management operations will be subject to the provisions contained in an agreement between the city, county, and Stationary Engineers Local 39 International Union of Operating Engineers, AFL-CIO, dated 12/11/92.
6. Provides that the SCRSWMD will be the certified "local enforcement agency" (LEA) for purposes of the California Integrated Waste Management Act and requires the SCRSWMD to plan and coordinate the siting of all solid waste facilities within the district. Also, authorizes the SCRSWMD to regulate any publicly or privately owned solid waste facility in the district.
7. In addition, the bill provides that the SCRSWMD will have the power to:
 - (a) make and enter into contracts and franchises, (b) acquire and dispose of property and have power of eminent domain, (c) issue bonded indebtedness and incur debts, liabilities or obligations, (d) sell assets and accrue revenues, and (e) issue permits.
8. Permits the imposition of franchise fees by the county or any city within the SCRSWMD and also authorizes the creation of "zones" within the SCRSWMD which might facilitate different levels of service, i.e., containerized garden waste (county) and noncontainerized garden waste (city).
9. Provides that, to the extent permitted under existing law, all solid waste collected will be delivered to facilities as directed by the SCRSWMD. Also, requires the SCRSWMD to manage solid waste so that no city or the county nor any private solid waste handler suffers undue

CONTINUED

hardship with respect to the operation of a district resource recovery facility.

Relative Legislation

Senate Bill 817 (Wright) 1993 Session. Would establish the Ventura Solid Waste Management District for the purpose of providing a regional agency for the County of Ventura and its ten cities that will manage and implement an integrated solid waste management policy. This bill is currently on the Senate floor.

FISCAL EFFECT: Appropriation: No Fiscal Committee: Yes Local: Yes

SUPPORT: (Verified 4/26/93)

County of Sacramento
City of Sacramento

DLW:sl 4/27/93 Senate Floor Analyses