



APPROVED
BY THE CITY COUNCIL

OCT 6 1998

OFFICE OF THE
CITY CLERK

1.2

DEPARTMENT OF
PUBLIC WORKS

SOLID WASTE DIVISION

CITY OF SACRAMENTO
CALIFORNIA

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SACRAMENTO, CA
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September 21, 1998

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: ADOPT THE RESOLUTION AMENDING THE SACRAMENTO REGIONAL COUNTY SOLID WASTE AUTHORITY (SWA) JOINT POWERS AGREEMENT ADDING THE CITY OF CITRUS HEIGHTS AS A MEMBER OF SWA

LOCATION AND COUNCIL DISTRICT: All Districts

RECOMMENDATION: This report recommends that the City Council adopt the attached resolution which amends the Solid Waste Authority Joint Powers Agreement for the purpose of adding the City of Citrus Heights as a member of SWA.

CONTACT PERSON: Gary Van Dorst, Solid Waste Superintendent, 264-7561

FOR COUNCIL MEETING OF: October 6, 1998

SUMMARY: The SWA Joint Powers Agreement between the City of Sacramento and the County of Sacramento anticipated the future possibility of adding other incorporated cities to SWA. At the request of the City of Citrus Heights, the City Council adoption of the attached resolution will make it possible for the City of Citrus Heights to become a member of SWA.

COMMITTEE/COMMISSION ACTION: None.

BACKGROUND INFORMATION: At the SWA Board's April 9, 1998 meeting, members of that Board requested that SWA staff approach the City of Citrus

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(SWA)
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Heights about becoming a member of SWA. SWA staff followed up on this matter by working with Marcus Lo Duca, a member of the Solid Waste Advisory Committee (SWAC) representing the City of Citrus Heights. On June 22, 1998, the City of Citrus Heights City Council directed its staff to petition the SWA Board for City of Citrus Heights membership on the SWA Board.

Adoption of the attached resolution and amendment to the SWA joint powers agreement would will result in the following:

- The SWA Board will be converted from an eight member Board to a nine member Board with each member having one vote (five members from the Board of Supervisors, three members from the City of Sacramento, and one member from the City of Citrus Heights).
- The Chair would continue to rotate annually between the City of Sacramento and the County of Sacramento.
- The Chair would no longer continue to have a tie-breaking vote of the members present and voting. The continuation of the tie-breaking vote is unnecessary with the establishment of a nine member commission.

It is also understood that the City of Citrus Heights will adopt a resolution concurring with SWA Resolution No. 96-01. This resolution would require all solid waste facilities in the City of Citrus Heights, consistent with City of Sacramento policy, to divert 30% of the self-hauled waste they accept as a condition of their land use. SWA Ordinance No. 2 requiring 30% diversion of commercial waste as a condition of the hauling permit would go into effect automatically in the City of Citrus Heights by virtue of its SWA membership.

The attached amendment must be adopted by the Sacramento City Council, the Sacramento County Board of Supervisors and the Citrus Heights City Council before it becomes effective.

FINANCIAL CONSIDERATIONS: No financial impact will result from City Council adoption of the attached resolution.

ENVIRONMENTAL CONSIDERATIONS: The amendment of the agreement is not a project within the meaning of the California Environmental Quality Act because it is an administrative action having no conceivable adverse impact on the physical environment.

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POLICY CONSIDERATIONS: In the absence of the City of Citrus Heights membership in SWA, commercial haulers would not be required to divert 30% of their waste as a condition of their permit for that portion of the waste collected within the city limits of Citrus Heights. This inequity would create any number of problems for the City of Citrus Heights, the County of Sacramento and the City of Sacramento. For one, commercial waste collection practices do not respect jurisdictional borders. Under these conditions, waste would have to be allocated under a complicated formula that invites error in how tonnage would be allocated by jurisdiction. The City of Citrus Heights could also be placed at a disadvantage in complying with AB 939 waste diversion mandates.

Secondly, it is understood that the City of Citrus Heights will endorse SWA Resolution 96-01 requiring all solid waste facilities within their jurisdiction to divert a minimum of 30% of the self-hauled waste as a land use condition. This effectively closes any loop-hole that could foreseeably harm the City of Sacramento's waste diversion numbers by allowing waste to be disposed of at a facility outside of our jurisdiction that is not subject to consistent regulation of diversion requirements.

The City of Sacramento has a long history of coordinating our efforts with surrounding jurisdictions in support of increased waste diversion and AB 939 compliance. Adoption of the attached resolution to allow for the City of Citrus Heights membership on SWA is in the best interest of both the City's compliance with AB 939 waste diversion mandates and our long-standing practice of cooperation with surrounding jurisdictions toward the same end.

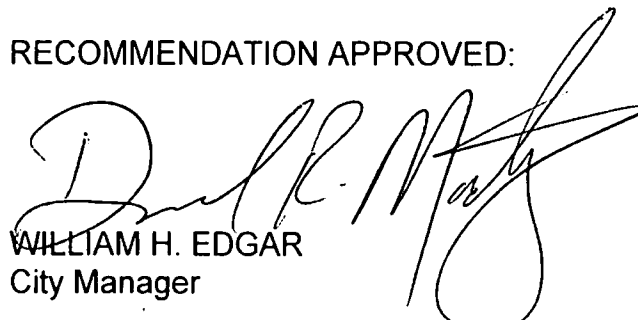
MBE/WBE: Since no goods or services are being purchased, MBE/WBE considerations are not applicable.

Respectfully submitted,



Reina J. Schwartz
Solid Waste Manager

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR
City Manager

Approved:



Michael Kashiwagi
Director of Public Works

APPROVED
BY THE CITY COUNCIL

RESOLUTION NO. 98-499

OCT 6 1998

ADOPTED BY THE SACRAMENTO CITY COUNCIL

OFFICE OF THE
CITY CLERK

ON DATE OF _____

**RESOLUTION AUTHORIZING AMENDMENT OF THE
SACRAMENTO REGIONAL COUNTY SOLID WASTE AUTHORITY (SWA)
AGREEMENT TO ALLOW FOR MEMBERSHIP
OF THE CITY OF CITRUS HEIGHTS**

WHEREAS, the original Joint Powers Authority Agreement between the City of Sacramento and the County of Sacramento anticipated the future addition of other incorporated cities; and,

WHEREAS, amending the Joint Powers Authority Agreement to allow membership of the City of Citrus Heights in SWA will preserve the current regulatory framework designed to achieve AB 939 waste diversion requirements for the region through mandated diversion of commercial waste; and,

WHEREAS, the addition of Citrus Heights membership in SWA continues the City of Sacramento's practice of interjurisdictional cooperation and coordination on waste diversion matters;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO THAT:

The Mayor is hereby authorized to execute an Amendment to the current SWA Joint Powers Agreement, in the form hereto attached, on behalf of the City of Sacramento and the County of Sacramento, and the City of Citrus Heights and to do and perform everything necessary to carry out the purpose and intent of this Resolution.

MAYOR

Attest:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

**FIRST AMENDMENT TO THE SACRAMENTO REGIONAL COUNTY SOLID WASTE
AUTHORITY JOINT POWERS AGREEMENT**

This First Amended Agreement is made and entered into this _____ day of _____, 1998, by and between the City of Citrus Heights, a municipal corporation, the City of Sacramento, a municipal corporation, and the County of Sacramento, a political subdivision of the State of California ("County").

RECITALS

WHEREAS, on December 15, 1992 the City of Sacramento and the County entered into a Joint Powers Agreement pursuant to the Joint Exercise of Powers Act (Chapter 5 of Division 7 of Title 1 of the California Government Code)("SWA JPA") for the purposes of forming the Sacramento Regional County Solid Waste Authority ("SWA"); and

WHEREAS, the SWA JPA authorizes any city within the County of Sacramento that has a population in excess of 65,000 to petition to be added as a party to the SWA JPA; and

WHEREAS, the City of Citrus Heights has a population in excess of 65,000 and has petitioned to become a party to the SWA JPA; and

WHEREAS, the City of Citrus Heights has those solid waste regulatory powers in common with the City of Sacramento and the County that are necessary and appropriate to further the purposes for which the SWA JPA was established; and

WHEREAS, the City of Sacramento and the County desire to include the City of Citrus Heights as a party to the SWA JPA in order to facilitate regional cooperation with respect to the solid waste issues that fall within the authority of the SWA.

NOW, THEREFORE, in consideration of the promises, terms, conditions, and covenants contained herein, the City of Citrus Heights, the City of Sacramento and the County hereby agree as follows:

1. The foregoing recitals are hereby incorporated by reference.
2. The City of Citrus Heights is hereby added as a party to the SWA JPA Agreement as amended.

**First Amendment To The Sacramento Regional County
Solid Waste Authority Joint Powers Agreement
City of Citrus Heights SWA Membership**

3. Section 2 of the SWA JPA Agreement is hereby amended to read as follows:

"There is hereby established pursuant to the Joint Exercise of Powers Act (Section 6500 et seq. Of the Government Code) an Authority which shall be a public entity separate from the parties to this Agreement. The name of said Authority shall be the SACRAMENTO REGIONAL COUNTY SOLID WASTE AUTHORITY, and shall hereinafter be referred to as the Authority. The boundaries of the Authority shall be coextensive with those of the City of Citrus Heights, the City of Sacramento and the unincorporated area of the County."

4. Section 3 of the SWA JPA Agreement is hereby amended to read as follows:

"The governing body of the Authority shall be a nine (9) member board composed of the five (5) members of the Sacramento County Board of Supervisors, three (3) members of the Sacramento City Council and one (1) member of the Citrus Heights City Council."

5. Section 5 of the SWA JPA Agreement is hereby amended to read as follows:

"Each Party to this Agreement shall authorize and designate its representative to vote for it at all meetings of the Authority. Each representative shall have one (1) vote."

6. The provisions of the SWA JPA Agreement shall in all other respects remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto execute this Agreement on the date first written above.

CITY OF CITRUS HEIGHTS

Dated: _____

By _____

Mayor

Attest:

Approved As To Form:

City Clerk

City Attorney

**First Amendment To The Sacramento Regional County
Solid Waste Authority Joint Powers Agreement
City of Citrus Heights SWA Membership**

CITY OF SACRAMENTO

Dated: _____

Mayor

Attest:

City Clerk

Approved As To Form



City Attorney

COUNTY OF SACRAMENTO

Dated: _____

Chair, Board of Supervisors

Attest:

Clerk of the Board

Approved As To Form:

County Counsel