



Regional Waste Management Authority Joint Powers Agreement and amended Regional Agency Formation Agreement

October 5, 2021



**Presented by:
Dave Vaughn, City Manager**

Background:



At the October 15, 2020 meeting of the Regional Waste Management Authority (RWMA) Board of Directors, the recommendations of the RWMA Organizational Study that was prepared and presented by HF&H Consultants were conceptually approved as proposed and RWMA staff was directed to initiate the implementation process.

For reference, the RWMA Organizational Study was initiated in response to the development of state regulations regarding Short-lived Climate Pollutants: Organic Waste Reductions [Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016)] and anticipated RWMA organizational staffing challenges. The RWMA Organizational Study noted that SB 1383 programs will be more successful if generators have a clear understanding and belief in the consistent region-wide application of ordinances; programs and services; generator requirements; inspections; waivers; and, levying of fines.



Background:

The next step in the implementation process was to begin drafting the amended RWMA Joint Powers Agreement (JPA) and the Regional Agency Formation Agreement for review and consideration first by the member jurisdiction administrators; second by the RWMA Board of Directors; and then finally by each of the policy bodies of the member jurisdictions after the SB 1383 regulatory process was concluded. The SB 1383 regulations were finalized in late 2020.

Based on the final SB 1383 regulatory package, it was understood that a JPA agency would be able to accept regional responsibility to CalRecycle and liability for any state fines for regional programs resulting in the reduction of the total amount of such liability. However, new guidance subsequently issued by CalRecycle prohibits a jurisdiction from delegating full responsibility for regulatory compliance with SB 1383 to a JPA, leaving formation of a special legislative district as the only option for protecting the member jurisdictions from much of any future regulatory compliance enforcement action by the state.

Agreement:



- Both the RWMA JPA Agreement and Amended Regional Agency Formation Agreement have been reviewed and approved by the City Attorney.

Fiscal Impact:



Adoption of the proposed amended agreements will provide for development and implementation of programs on a regional basis which is assumed to be more cost effective than if done by each jurisdiction individually. The RWMA is primarily funded by surcharges on residential, commercial and debris box refuse collection services.

Alternative:



Do not adopt the proposed amended agreements and undertake the programs and activities that would otherwise be delegated to the RWMA.

Recommendation:



Adopt a Resolution approving the proposed Regional Waste Management Authority Fourth Amended and Restated Joint Powers Agreement and Regional Waste Management Authority Amended Regional Agency Formation Agreement.