REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

Consent
March 4, 2008

Honorable Mayor and
Members of the City Council

Title: Ordinance: Amendment to City-County Solid Waste Advisory Committee/Local Task Force (Chapter 2.100)-PFP

Location/Council District: City Wide

Recommendation: 1) Review an Ordinance amending Chapter 2.100 of the Sacramento City Code relating to the City-County Solid Waste Advisory Committee/Local Task Force; and 2) pass for publication the Ordinance title as required by Sacramento City Charter section 32(c) to be adopted March 18, 2008.

Contact: Edison Hicks, Integrated Waste General Manager, 808-4949
Marty Strauss, Integrated Waste Planning Superintendent, 808-4934

Presenter: N/A

Department: Utilities

Division: Solid Waste Services

Organization No: 3361

Description/Analysis

Issue: California Public Resources Code section 40950 requires a county to convene a Local Task Force to address solid waste issues that impact the entire region. The City-County Solid Waste Advisory Committee (SWAC) was designated as the local task force. Currently all the cities and the county, with the exception of Rancho Cordova and Elk Grove, participate in SWAC.

In an effort to be more inclusive and increase participation from all cities in the county, SWAC has proposed changes to its responsibilities and organization. A copy of the proposed changes adopted by SWAC is found in Attachment 2. The significant changes are:

1. Membership of SWAC will now be based on population. Under the proposed changes, the City and County will be entitled to appoint three members each, and all the other cities are entitled to appoint two members, except the City of Isleton will be entitled to appoint only one member. Currently both the City and the County have five members on the committee.

2. Matters for SWAC discussion and review are expanded to include waste management issues, programs or facilities potentially of concern to more than one jurisdiction. An example of this is the City's North Area Transfer Station. However, SWAC authority remains advisory only.

3. Currently, a majority (8 members) of the entire committee constitutes a quorum. Under the proposed changes, a quorum will be fifty percent of the total members of the committee with members present from at least three jurisdictions.

4. Member terms, appointment method and qualifications will now be determined by each individual local jurisdiction. For the City of Sacramento, representatives to the committee will serve a four-year term, but no more than two consecutive terms. Currently, City representatives are appointed to one year terms, with the option of a second one year term, not to exceed two consecutive years. This makes it difficult to maintain continuity when discussing complex projects that take several years to complete. Examples of such projects include the regional compost facility that started four years ago and is still completing its environmental review, and the City's North Area Transfer Station project that is not yet completed in its third year.

Policy Considerations: Continued membership in SWAC will contribute to the City's goal of a sustainable City and promote a coordinated regional effort in the development of the county integrated waste management plan.

Environmental Considerations: Organizational and administrative activities of this nature do not constitute a project subject to CEQA review, pursuant to Section 15378(b)(5) of the CEQA Guidelines.

Commission/Committee Action: Approved by the Law & Legislation Committee on February 19, 2008.

Rationale for Recommendation: Amending Chapter 2.100 of the Sacramento City Code is needed in order for the City to continue participating in SWAC and to make the City Code provisions consistent with the proposed changes and recommendations by SWAC.

Financial Considerations: The proposed amendments have no current fiscal effects

on the Department's operating budget.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by: _____
Edison Hicks
Integrated Waste General Manager

Approved by: _____
Gary A. Reents
Director, Dept. of Utilities

Recommendation Approved:

_____
for Ray Kerridge
City Manager

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Attachment 1

BACKGROUND

The City-County Solid Waste Advisory Committee ("SWAC") was established in 1989 with members from the County and the Cities of Sacramento, Folsom, Isleton and Galt. AB 939, the California Integrated Waste Management Act of 1989 (Public Resources Code section 40000 et seq.), requires each county, in cooperation with affected local jurisdictions, to form a local task force to assist in coordinating the development of source reduction and recycling elements. In 1990, SWAC was designated by the county as the local task force mandated by AB 939. SWAC is strictly an advisory group and has no authority to approve a project or program being developed by each participating jurisdiction.

Over the years SWAC has expanded its membership. Currently SWAC has representatives from all the cities and the county except for the Cities of Elk Grove and Rancho Cordova. In an effort to be more inclusive and representative of the cities in the county, SWAC created a sub-committee to review the current responsibilities and organization of SWAC. This was done over last spring and summer. A focus of the effort was to include the non-participating cities of Elk Grove and Rancho Cordova. Last spring a letter was mailed to both cities inviting them to participate in a reorganization and review of the responsibilities of SWAC. This letter was mailed in hopes of their participation in the process and eventual membership in SWAC, thereby having representatives from all the cities and the county. Representatives from these two cities participated in the process and support the recommendations developed by the subcommittee.

One of the issues that the cities of Rancho Cordova and Elk Grove identified was the prescriptive rules for who could be appointed to SWAC. These cities expressed the desire to be able to have sole discretion in appointing their representatives. Part of the concern was the level of expertise their representatives may or may not have if limited to whom and how they appointed their representatives. Through discussions at the sub committee it was agreed to eliminate the prescriptive standards defining who could be a SWAC member, and to limit the number of members based on population. Based on this proposed formula, the total SWAC committee membership will increase from 15 to 17 members.

Another change is the definition of a quorum. Currently it is a simple majority of the committee present. It is proposed that at least three jurisdictions must have members present to have a quorum to prevent the City of Sacramento and the County of Sacramento from making up a quorum with their members present only, and no other jurisdictions participating in the discussion on an agenda item requiring a vote of the SWAC membership.

Another change is that the participating jurisdictions agree to bring forward for SWAC discussion and review all proposed solid waste and recycling facilities, including expansions of existing facilities that will have an impact over the region.

ATTACHMENT 2

CITIES/COUNTY SOLID WASTE ADVISORY COMMITTEE (SWAC) AND LOCAL TASK FORCE (LTF) RESPONIBILITIES AND ORGANIZATION

Proposed New SWAC Rules
Recommended by SWAC at its September 4, 2007 Meeting

I. MEMBERSHIP, APPOINTMENTS, AND TERMS OF OFFICE

A. A jurisdiction becomes a SWAC/LTF member agency upon adopting these rules.

B. SWAC membership shall be based on population as follows:
1. If a jurisdiction has less than 20,000 residents, it shall have one member;
2. If a jurisdiction has greater than 20,000 but less than 300,000 residents, it shall have up to two members; and
3. If a jurisdiction has greater than 300,000 residents, it shall have up to three members.

C. SWAC member term, appointment method, and composition 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. ABSENCES

The appointment 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 out of the control of a member may be deemed as an excusable absence by the committee after the fact. At a SWAC meeting following the third consecutive absence of a SWAC member, the Chairman will call for a vote of the committee to determine if any of the absences are excusable. If the member is determined by the vote of the committee to have three unexcused absences, that member shall be informed by the Chairman that he/she is no longer a member of the committee, and SWAC staff shall notify the appointing jurisdiction and call for the appointment of a new member. The affected member may be at the meeting to make his/her case to the committee to excuse the absences. But, if the affected member is not at the meeting, the Chairman and the committee shall act without such input from the affected member.

III. RESPONSIBILITIES

A. The Committee shall advise the County Board of Supervisors, the city councils of the cities of the county, and the Sacramento Regional County Solid Waste Authority (SWA) on:
- All matters relating to the County of Sacramento Integrated Waste Management plan and all of its state-mandated city and/or county unincorporated area waste management planning documents;
- All 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. SWAC shall be the Local Task Force as required by California Public Resources Code Section 40950.

C. Staff for the jurisdictions represented on SWAC shall be expected to report to SWAC on:

- AB939 matters
- Proposals for new waste management facilities,
- Significant changes to diversion programs,
- Waste management issues, programs, or facilities potentially of concern to more than one jurisdiction
- Matters to be considered by the Board of Supervisors or City Councils of the member jurisdictions

Staff for the jurisdictions represented on SWAC shall not be expected to report to SWAC on:

- Personnel matters,
- Utility rate-setting
- Business-related matters

IV. SWAC/LTF 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 take action. When a quorum is present, all issues shall be resolved and business acted upon by a simple majority vote of the members present. A quorum is:

- 50% of the appointed members present
- With representatives present from at least three SWAC member jurisdictions.

C. All issues shall be resolved and business acted upon by a simple majority vote of the members present.

V. COMMITTEE COMPENSATION AND SUPPORT

A. Members of the committee shall serve without any compensation except for County pre-approved reimbursement for necessary travel and expenses.

B. The expense of the committee work shall be borne by the County of Sacramento.

C. The County shall be the fiscal agent for the committee, and a County staff person shall serve as staff to the committee.

ORDINANCE NO. _____

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING 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.

Section 2.100.020 of the Sacramento City Code is amended to read as follows:

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 2.100.030A.

SECTION 2.

Section 2.100.030 of the Sacramento City Code is amended to read as follows:

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 20,000 residents or less shall appoint one member.

2. A participating agency with a population of more than 20,000 but less than 300,000 residents shall appoint two members.

3. A participating agency with a population of 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.

SECTION 3.

Section 2.100.050 of the Sacramento City Code is amended to read as follows:

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.

SECTION 4.

Section 2.100.060 of the Sacramento City Code is amended to read as follows:

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 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.

SECTION 5.

Section 2.100.070 of the Sacramento City Code is amended to read as follows:

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.

ORDINANCE NO. _____

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING 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.

Section 2.100.020 of the Sacramento City Code is amended to read as follows:

2.100.020 Definitions

As used in this chapter, the following definitions apply:

"Board" means the board of supervisors of Sacramento County.

~~"City" means the city of Sacramento.~~

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

~~"Council" means the city council of the city of Sacramento.~~

"County" means the county of Sacramento.

"Local agency" means the County or a city in the County of Sacramento.

~~"Mayor" means the mayor of the city of Sacramento.~~

"Member" means a person appointed ~~as a member of~~ by a participating agency to the committee.

"Participating agency" means a local agency that meets the requirements of section 2.100.030A.

SECTION 2.

Section 2.100.030 of the Sacramento City Code is amended to read as follows:

2.100.030 Membership, appointments and terms of office

~~A. The committee shall consist of fifteen (15) members.~~

~~B. Five Sacramento city resident members shall be appointed by and serve at the pleasure of the mayor with the approval of the city council as follows:~~

~~1. For the first appointments, three members shall be appointed for two-year terms and two members shall be appointed for one-year terms.~~

~~2. Thereafter, all appointments shall be for two-year terms.~~

~~3. One member shall be a representative of environmental groups.~~

~~4. One member shall be a representative of the recycling community and/or businesses.~~

~~5. Two members shall be representatives of the integrated waste management industry (may include solid waste collection, transfer, storage, processing, composting, transformation, or disposal).~~

~~6. One member shall be a representative of residential generators and the general public.~~

~~7. A vacancy shall be filled by the mayor and council as soon as possible after a vacancy occurs.~~

~~C. Five county of Sacramento unincorporated area resident members shall appointed by and serve at the pleasure of the board as follows:~~

~~1. For the first appointments, three members shall be appointed for two-year terms and two members shall be appointed for one-year terms.~~

~~2. Thereafter, all appointments shall be for two-year terms.~~

~~3. One member shall be a representative of groups.~~

~~4. One member shall be a representative of the recycling community and/or businesses.~~

~~5. Two members shall be representatives of the integrated waste management industry (may include solid waste collection, transfer, storage, processing, composting, transformation, or disposal).~~

~~6. One member shall be a representative of residential generators and the general public.~~

~~7. Vacancies will be filled by the board as soon as possible after a membership seat has been vacated.~~

~~D. Five members shall be appointed by the cities of Folsom, Isleton, Galt, Elk Grove and Citrus Heights.~~

~~1. A resident of Folsom shall be appointed by the Folsom city council.~~

~~2. A resident of Isleton shall be appointed by the Isleton city council.~~

~~3. A resident of Galt shall be appointed by the Galt city council.~~

~~4. A resident of Citrus Heights shall be appointed by the Citrus Heights city council.~~

~~5. A resident of Elk Grove shall be appointed by the Elk Grove city council.~~

~~6. The first Folsom, Elk Grove, and Citrus Heights appointments shall be for a two-year term.~~

~~7. The first Isleton and Galt appointments shall be for one-year terms.~~

~~8. Thereafter, all Folsom, Isleton, Galt, and Citrus Heights, and Elk Grove appointments shall be for two-year terms.~~

~~9. For these appointments, any city resident may be appointed. There is no interest group classification requirement.~~

~~10. Vacancies shall be filled by the appropriate city councils as soon as possible after a membership seat has been vacated.~~

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 20,000 residents or less shall appoint one member.

2. A participating agency with a population of more than 20,000 but less than 300,000 residents shall appoint two members.

3. A participating agency with a population of 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.

SECTION 3.

Section 2.100.050 of the Sacramento City Code is amended to read as follows:

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 Sacramento, Folsom, Isleton and Galt~~ of the participating agencies on the following subjects:

~~A~~1. ~~All m~~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

~~B~~2. ~~All m~~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.

SECTION 4.

Section 2.100.060 of the Sacramento City Code is amended to read as follows:

2.100.060 Meetings

A. The committee shall hold regular meetings ~~at least once a month~~ 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 ~~facilitate the review process through the solid waste authority board, the staff, the technical advisory committee and otherwise as may be required to~~ accomplish countywide integrated waste management work.

B. A quorum shall be present for the committee to meet and to take action. ~~A majority (any eight members) of the entire committee is necessary for a quorum to be present and for the committee to take action.~~ A quorum shall be fifty 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.

~~C. The first order of business at the first committee meeting convened shall be the selection of a chairperson.~~

SECTION 5.

Section 2.100.070 of the Sacramento City Code is amended to read as follows:

2.100.070 Committee compensation and expense

A. Members of the committee shall serve without any compensation except for county ~~department of solid waste management or city department of public works~~ preapproved reimbursement for necessary travel and expenses.

B. The expenses of the committee ~~work~~ shall be borne by the county ~~as the lead agency of the solid waste authority~~.

C. The county shall be the fiscal agent for the committee, and a county staff person~~, assigned by the director of the county department of solid waste management,~~ shall serve as ~~the chief of~~ staff to the committee.