

**CITY OF SEBASTOPOL
CITY COUNCIL
STAFF REPORT**

Meeting Date: February 16, 2016
To: Honorable Mayor and City Councilmembers
From: Engineering Manager Henry J. Mikus
Subject: Discussion and Action of Future of Sonoma County Waste Management Agency
Recommendation: Provide Direction to Staff for Upcoming SCWMA Board Discussions
Funding: Currently Budgeted: ___ Yes ___xxx___ No ___ N/A
Net General Fund Cost:
Amount: \$
If Cost to Other Fund(s):

Introduction: Sebastopol is one of ten members of the region's Sonoma County Waste Management Agency (SCWMA), a Joint Powers Authority (JPA) tasked primarily with directing waste diversion efforts county-wide. The members are the 9 incorporated cities/ town, plus the County of Sonoma for the unincorporated areas. SCWMA was established in early 1992, and the original JPA Agreement set a term limit of 25 years for the existence of SCWMA. This initial 25-year term expires in February 2017. The SCWMA Board, together with its local government members, has been engaged in a series of discussions regarding the future of SCWMA, and its core functions, beyond 2017.

Background: The SCWMA has had four core areas of responsibility: the regional organics diversion (or compost) program, Household Hazardous Waste (HHW) collection and disposal, education and outreach, and regional planning and reporting. The SCWMA staff level is at six employees; SCWMA is funded by user fees and grants with a typical annual budget of around \$6M.

The original JPA Agreement has been amended twice. Amendment No. 1, June 1996, established SCWMA as the Regional Solid Waste Reporting Agency for the State of California/CalRecycle. Amendment No. 2, December 2013, added language specifying that SCWMA could enact regional ordinances, and that member jurisdictions could opt-out of non-core programs; this amendment provided a pathway for adoption of the regional carry-out bag ordinance in 2014.

Previous discussions on the fate of SCWMA have included examining the service delivery of existing programs (including cost analysis and alternate ways for providing these services), the governance structure, Board voting, and Board membership. Analysis done by an independent consultant revealed that SCWMA services were being delivered in a cost effective manner, and that there would be financial consequences to the members if SCWMA ended, mostly from planning & reporting costs if members had to perform this work individually. **Nothing is settled at this point, however it is but a year to the current SCWMA end date.**

Several operating issues primarily with the compost program have diverted attention from the SCWMA future conversations. These have included two lawsuits involving composting, one alleging Federal Clean Water Act violations by the compost site that was recently settled, and a second suit challenging the EIR for a proposed new compost facility. Due to the legal settlement the compost facility closed last fall with all green waste now being hauled to multiple alternate composting facilities outside Sonoma County. Outhaul is significantly more expensive than operating a local compost facility. The second lawsuit, the CEQA challenge, is not settled, and has an initial hearing date set for July 2016.

Several alternatives to keeping SCWMA as a functioning entity have been explored, including turning the operations facets over to the County's landfill contractor, or the County taking the role of SCWMA, or a merger/assimilation with the Regional Climate Protection Authority (RCPA). It is appearing less likely that replacing SCWMA entirely would be an acceptable solution. Thus the focus has returned to how SCWMA might continue providing at least some services.

A companion debate has been to determine the optimum operating/managing entity for compost and HHW. It has become clear that there is advantage to having the compost program operated as part of the landfill set-up but that would be at some loss of direct local control. The same logic could apply to HHW, but limited to the HHW operations at the landfill itself. There are other significant HHW activities that do not lend themselves to management by the landfill operator. These other activities would be an annual grant for proper disposal of used oil, ewaste collection and disposal, Spanish language outreach, and community-based collection events for HHW and ewaste.

Thus the focus for the SCWMA future and its programs will likely be regional planning and reporting, education and outreach, and the non-landfill HHW activities.

Given the ongoing lawsuit, that several issues of concern are not yet settled, and the now short time frame to the expiration date, there is momentum to take an interim step to extend SCWMA in its current form for a year in order to provide time for the outstanding concerns to be resolved.

Previous analyses of SCWMA costs and service delivery show that SCWMA provides effective and valuable services to the community and the member jurisdictions. This is particularly true for the smaller cities with their limited resources. Also, there would be adverse financial impacts to its members if SCWMA were terminated without an appropriate State-recognized regional agency as a replacement.

Recommendation: Staff recommends that the City Council direct the City's SCWMA Board representative to vote appropriately as required to effect a one-year extension for the operating term of the Sonoma County Waste Management Agency.

	Last Updated on: 2/5/2016	2/23/2016	2/9/2016	2/16/2016	1/25/2016	1/26/2016?	2/16/2016	2/1/2016	3/2/2016	3/1/2016
	Issue	Cloverdale	Cotati	Healdsburg	Petaluma	Santa Rosa	Sebastopol	Sonoma	Windsor	Unincorporated
	Regional Composting Participation Authority							Individual		
1.	Continue JPA if allowed to opt out									
2.	Regional HHW Participation Authority									
3.	Continue JPA if allowed to opt out									
4.	Regional Education Participation Authority					Yes				
5.	Continue JPA if allowed to opt out					SCWMA				
6.	Regional Planning Participation Authority					Yes				
7.	Continue JPA if allowed to opt out					SCWMA				
8.	JPA Authority for countywide ordinances									
9.	Opt out process									
10.	Electeds only					No				
11.	Number of representatives									
12.	Budget approval									
13.	Cap. Expend >\$50k									
14.	Major prog. Expansion									
15.	Purchase of real prop.									
16.	Additional core programs									
17.	Amendments to JPA									
18.	Supermajority threshold									
19.	Term preference									
20.	Tiered governance structure									
21.	One year extension				Yes	No		Yes		