

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AUTHORIZING DISSOLUTION OF THE FRESNO-CLOVIS METROPOLITAN SOLID WASTE COMMISSION AND GRANTING ITS APPROVAL FOR TERMINATION OF THE JPA AND MOU BY MUTUAL AGREEMENT, AND ACCEPTANCE OF THE REMAINING ENTERPRISE TRUST FUND MONIES SPLIT EVENLY BETWEEN THE CITY OF FRESNO, THE CITY OF CLOVIS, AND THE COUNTY OF FRESNO

WHEREAS, the California Integrated Waste Management Act of 1989 (Assembly Bill 939, Sher, Chapter 1095, Statutes of 1989) (AB 939) requires each city and county in the State to prepare and implement a jurisdiction-specific plan to divert 50% of solid waste generated within its jurisdiction from disposal; and

WHEREAS, the Fresno-Clovis Metropolitan Solid Waste Commission (FCMSWC), which was formed in 1977 pursuant to a Joint Powers Agreement (JPA) to establish a governmental body for handling waste planning regionally and approval and authorization of an MOU in 1988 to further clarify each agencies roles. The JPA and MOU are comprised of representatives from the City of Fresno, City of Clovis and County of Fresno (collectively "the Member Agencies"); and

WHEREAS, the FCMSWC met on March 23, 2016, and directed staff to prepare the requisite documents for Board approvals to dissolve the Commission, terminate the JPA and MOU by mutual agreement, and refund enterprise monies evenly between the jurisdictions; and

WHEREAS, the FCMSWC retains approximately \$23,000 in its enterprise trust fund, which can be evenly distributed to the City of Fresno, the

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

City of Clovis, and the County of Fresno by mutual agreement; and

WHEREAS, the Member Agencies have expressed a desire to dissolve the FCMSWC, terminate the JPA and MOU and refund remaining enterprise funds to be distributed among the Member Agencies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. Authorizes the dissolution of the FCMSWC and hereby grants its approval for termination of the JPA and MOU by mutual agreement, and acceptance of the remaining enterprise trust fund monies split evenly between the City of Fresno, the City of Clovis, and the County of Fresno.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2017.

AYES:
NOES:
ABSENT:
ABSTAIN:

YVONNE SPENCE, CMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Amanda Freeman Date
Deputy City Attorney