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Title: Approve a Successor Memorandum of Understanding between the County and the City of Fresno for continued implementation and funding of county-wide AB 939-related education, public information, and household hazardous waste management programs, and the development of new household hazardous waste facilities (Citywide)

Sponsors: Department of Public Utilities

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Attachments: 1. ATTACHMENT 1- 2018-09-20-Successor AB 939 MOU.pdf, 2. ATTACHMENT 2-2008-01-06 County AB939 MOU HHW.pdf

Date	Ver.	Action By	Action	Result
9/20/2018	1	City Council	approved	

REPORT TO THE CITY COUNCIL

September 20, 2018

FROM: MICHAEL CARBAJAL, Director
Department of Public Utilities

BY: JERRY L. SCHUBER SR., Assistant Director
Department of Public Utilities - Solid Waste Management Division

SUBJECT

Approve a Successor Memorandum of Understanding between the County and the City of Fresno for continued implementation and funding of county-wide AB 939-related education, public information, and household hazardous waste management programs, and the development of new household hazardous waste facilities (Citywide)

RECOMMENDATION

Staff recommends City Council approve the proposed Successor Memorandum of Understanding (Successor MOU) between the County, the City of Fresno, and other jurisdictions within Fresno

County, for the continued implementation and funding of county-wide AB 939 education, public information, and household hazardous waste (HHW) management programs and the development of new HHW facilities, and authorize the City Manager or designee to execute the Successor MOU.

EXECUTIVE SUMMARY

The California Integrated Waste Management Act of 1989, also referred to as AB 939, requires each county and city in California to prepare, implement and update solid waste management plans to meet statewide waste diversion mandates. In addition, all jurisdictions are required to properly handle HHW by recycling and/or disposal of these materials at an appropriate facility. Fresno County is the Lead Agency for the County, and has provided the mandated services for participating jurisdictions. Under the proposed Successor MOU, the County would continue to provide required services to all jurisdictions within Fresno County. The current MOU expires on January 5, 2019.

The Successor MOU will continue to allow the County to provide for services to: 1) manage the increase in types and volumes of waste required by legislation to be managed as HHW, and 2) respond to requests from residents of Fresno County to have more and better access to HHW management services. This is planned through development, construction and operation of a new relocated HHW Facility, plus other facilities as needed, and expansion of the Local HHW Network.

The Successor MOU has an initial term of ten years with an option for one five-year extension. The option will be automatically exercised, unless a majority of the cities and County vote not to exercise the option for renewal. The Successor MOU contains a mutual indemnification clause, as did the previous MOU.

BACKGROUND

AB 939 requires each county and city in the State to prepare, implement and update solid waste management plans in order to meet State diversion mandates. In addition, the State requires all jurisdictions to properly handle generated HHW, through recycling and/or disposal of these materials at an appropriate facility. The County as Lead Agency continues to provide this service to all jurisdictions within Fresno County through the Successor MOU. The County and the 15 cities within the Fresno County entered into an MOU in 1993, in 2004, and again in 2009 to coordinate county-wide implementation of related education and public information and HHW management programs. The current MOU expires on January 5, 2019. In 2009, the County and the 15 cities agreed to increase a portion of the AB 939 Surcharge Fee from \$0.65 to \$2.40 per disposed ton of Fresno County generated solid waste. This increase was to fully-fund the activities covered by the MOU, including development and operation of the Regional Permanent HHW Facility (HHW Facility) and a local network of HHW drop-off sites (Local HHW Network).

The Successor MOU will continue to provide for services to: 1) manage the increase in types and volumes of waste required by legislation to be managed as HHW, and 2) respond to requests from

residents of Fresno County to have more and better access to HHW management services. This is planned through development, construction and operation of a new relocated HHW Facility, other facilities as needed and expansion of the Local HHW Network.

A new addition to the Successor MOU allows that if the portion of the Trust Fund Reserves allocated to the HHW Facility and associated activities reaches \$11.5 million in total, the MOU Committee will initiate the process to lower the portion of the Surcharge Fee of \$2.40 per disposed ton of Fresno County generated solid waste to \$0.00. This will continue until a new relocated HHW Facility is constructed and operational or the Trust Fund Reserves falls below \$6.0 million. In addition, a new provision to include a Local Task Force (LTF) as required by the State and previously approved by the County and all the cities within Fresno County was added to the Successor MOU.

The County Department of Public Works and Planning staff and representatives of the 15 cities within Fresno County have been working closely together to prepare the Successor MOU. County staff have held several meetings over the past few months and the recommended Successor MOU reflects a collaborative effort to enhance accountability and program effectiveness.

The Successor MOU has an initial term of ten years with an option for one five-year extension. The option will be automatically exercised, unless a majority of the cities and County vote not to exercise the option for renewal. The Successor MOU contains a mutual indemnification clause, as did the previous MOU.

ENVIRONMENTAL FINDINGS

Pursuant to CEQA Guidelines section 15378, this is not a project for purposes of CEQA.

LOCAL PREFERENCE

Local preference is not considered because this Successor MOU is not an award of a construction or services contract.

FISCAL IMPACT

The Surcharge Fee of \$2.40 per disposed ton of Fresno County generated solid waste is already part of the Solid Waste rate structure. Therefore, the approximate annual cost of \$328,200 is covered through the Solid Waste Operating Fund with not foreseeable increases other than tonnage over the next ten years per the agreement with County of Fresno.

Attachments:

Attachment 1 - Successor AB939 Memorandum of Understanding

Attachment 2 - Current AB939 Memorandum of Understanding

