REQUEST FOR APPROVAL

To:	Cara Morgan Branch Chief, Local Assistance and Market Development
From:	Jill Larner Local Assistance and Market Development
Request Date:	August 29, 2013
Decision Subject:	Salinas Valley Solid Waste Authority (SVSWA) Regional Agency Formation Agreement for the Cities of Salinas, Gonzales, Soledad, Greenfield and King City
Action By:	October 15, 2013

Summary of Request:

Effective October 18, 2012, the Salinas Valley Solid Waste Authority (SVSWA) amended its existing Joint Power Agreement (JPA) to include the provisions for a Regional Agency Formation Agreement. The SVSWA is requesting approval of the Formation Agreement for the Cities of Salinas, Gonzales, Soledad, Greenfield and King City. Public Resources Code (PRC) Sections 40970, et seq. allow cities and counties to form regional agencies for the purpose of meeting the mandates of the Integrated Waste Management Act (i.e., Assembly Bill 939 [AB 939]). The proposed Regional Agency is being established for the purpose of consolidating integrated waste management planning, disposal reporting, and diversion program reporting.

Recommendation:
Staff is recommending approval of the Salinas Valley Solid Waste Authority Regional Agency Formation Agreement as it has met the statutory requirements through development of a Joint Powers Agreement that includes all the statutorily required provisions for the creation of a Regional Agency. The submitted documents related to the Formation Agreement were reviewed by CalRecycle staff and legal counsel and are found to be complete.

Branch Chief Action:

On the basis of the information and analysis in this Request for Action and the findings set out herein, I hereby approve the request to approve the Salinas Valley Solid Waste Authority Formation Agreement to form a Regional Agency.

Dated: 10-15-13

Cara Morgan

Cara Morgan, Branch Chief

Local Assistance and Market Development

Attachments:

1. Regional Agency Formation Request Letter, August 2, 2013
2. Existing JPA Agreement and Prior Amendments through 2010
3. Amendment 3 to the JPA, Regional Agency Formation Agreement, October 18, 2012
4. City Resolutions and SVSWA Board Meeting Minutes
5. SVSWA Regional Agency Per Capita Disposal Calculations

Background and Findings

The Salinas Valley Solid Waste Authority (SVSWA) was formed in 1997, under a Joint Exercise of Powers Agreement (JPA), to address solid waste management issues for its member jurisdictions. The membership of the JPA consists of the Cities of Salinas, Soledad, Gonzales, Greenfield, King City, and Monterey County (eastern portion of the unincorporated area).

In 2000, the SVSWA approved Interagency Agreements with the cities of Salinas, Soledad, Gonzales, Greenfield and King City to provide enhanced AB 939 services. The enhanced AB 939 services include completion of electronic annual reports, management of franchise services, commercial and industrial recycling program development and implementation, household hazardous waste collection, and public education campaigns. The SVSWA does not provide enhanced AB 939 services to Monterey County, although the County is a member of the existing JPA.

On October 18, 2012, the SVSWA adopted Amendment 3 to the JPA establishing the SVSWA Regional Agency. The participating members of the Regional Agency include five cities: Salinas, Soledad, Gonzales, Greenfield and King City. The County is not participating in the Regional Agency, although the County is a member of the existing JPA.

Formally acting as a Regional Agency will allow the SVSWA to consolidate integrated waste management program reporting, disposal reporting and diversion program reporting for its member cities. Also, membership in the SVSWA will allow for reduction of regional disposal reporting misallocation issues. The Regional Agency and its members will be responsible for compliance with the waste diversion requirements set forth in the Public Resources Code, Article 1 of Chapter 6 (commencing with Section 41780). The Regional Agency will submit one consolidated Electronic Annual Report (EAR) for its member jurisdictions by reporting on the program activities for each of its members.

The SVSWA is requesting approval of the Regional Agency Formation Agreement. This request represents the process for implementing PRC Sections 40970 and 40975 that allows jurisdictions to form regional agencies, and requires any agreement forming a Regional Agency to be submitted to CalRecycle for review and approval.

In addition, PRC section 40970 describes the Legislative intent regarding the approval of Regional Agencies: "…It is not the intent of the Legislature in enacting this article to diminish the responsibility of individual cities and counties to implement source reduction, recycling, and composting programs as required by this part…"

All members of the Salinas Valley Solid Waste Authority agree to be active participants in the efforts to meet and maintain the goals of AB939. Under the Regional Agency Formation Agreement, the member jurisdictions plan to continue implementation of those programs specified in their respective Source Reduction and Recycling Elements to achieve and maintain the 50 percent diversion requirement.

Staff has determined that the required Regional Agency Formation Agreement provisions required by PRC Section 40975(b) have been adequately addressed.

The Salinas Valley Solid Waste Authority's 50% equivalent per capita disposal targets as a result of forming the Regional Agency are 6.2 PPD based on population, and 18.9 PPD based on employment (Attachment 5).