



COUNTY OF HUMBOLDT

For the meeting of: 3/21/2023

File #: 23-250

To: Board of Supervisors

From: Public Works

Agenda Section: Departmental

Vote Requirement: Majority

SUBJECT:

Discuss and Approve Proposed Amendments to Humboldt Waste Management Authority's (HWMA) Joint Powers Agreement (JPA)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Discuss and approve the attached amended and restated Joint Exercise of Powers Agreement of the Humboldt Waste Management Authority;
2. Authorize the Chair of the Board to execute the attached amended and restated Joint Exercise of Powers Agreement of the Humboldt Waste Management Authority pending approval from at least 70% of members (5/6 jurisdictions); and
3. After execution, direct the Clerk of the Board to return one (1) fully executed original copy of the attached amended and restated joint powers agreement to the Department of Public Works for further processing.

SOURCE OF FUNDING:

N/A

DISCUSSION:

At their regular meeting held Feb. 9, 2023, the HWMA Board of Directors unanimously approved proposed amendments to the HWMA's JPA and established an approval step process for member agencies to follow.

HWMA's original JPA was approved in November 1999 by the cities of Arcata, Blue Lake, Eureka, Ferndale, Rio Dell and the County of Humboldt ("Member Agencies"). The cities of Fortuna and Trinidad are not members of HWMA. The primary purpose of HWMA is to secure and manage long-term agreements related to the disposal of Member Agency's solid waste and assumed responsibility for the closure/post-closure activities of the Cummings Road Landfill, and related specified powers.

Members are required to provide “Flow Control” of solid wastes and direct their franchise waste haulers to deliver solid waste to HWMA. HWMA also provides diversion services to its members including hazardous waste disposal, carpet and mattress recycling and other related diversion services.

Over the years, HWMA’s JPA has been amended three times; two amendments were non-substantive and didn’t require approval of the Members, and one which was substantive requiring the approval of Member Agencies. With the exception of solid wastes, HWMA does not have Flow Control over other materials such as green waste, curbside collected recyclable or other materials unless specifically designated by a governing body through an agreement or memorandum of understanding.

In the Fall of 2022, Member Agency governing bodies submitted letters of interest that HWMA act in a regional capacity for managing the processing of curbside collected source separated organics for compliance with SB 1383 (Short Lived Climate Pollution Reduction Act). Because the State mandates compliance responsibility to individual jurisdictions, and local jurisdictions are interested in coordinating regionally, HWMA needs to amend the JPA to incorporate the necessary powers to secure flow control of source-separated organic wastes to implement the new state mandated waste diversion and material management requirements.

The HWMA Board approved the attached amendments to the agreement, and requests that the governing body of each member review and approve the restated and amended agreement.

The amendments will enable HWMA to update the agreement and remove outdated artifacts in addition to securing flow control of designated source separated materials pursuant to SB 1383 at the future discretion of the Member’s governing body. Other substantive revisions to the Agreement include changes to insurance provisions, no enforcement of garbage collection agreements, and opportunities for purchasing a new transfer facility.

Execution of the proposed amended and restated Joint Exercise of Powers Agreement of the HWMA is not necessary until at least five of the six member jurisdictions have voted to approve the same. HWMA will promptly notify the county when the proposed amended and restated joint power agreements is approved by at least five member jurisdictions at which time the Chair of the Board shall execute the same.

Staff recommends Board members and other interested persons to read the “Clean” copy of the attached document containing the proposed amendments, and to review the document in its entirety, referring to the “Track Changes” copy to view specific changes.

The HWMA Board of Directors approved the following process to amend the Agreement:

1. The HWMA Board consider and approve the draft amendment(s), with no less than 70% of the Directors of the Authority Board voting in support of proposed amendments. (Complete with unanimous support)
2. HWMA circulates the preliminary approved document to the governing boards of the

Members for consideration and approval by no less than 70% of the Member governing boards.

3. Should Members raise any issues during their deliberation and consideration of the proposed amendments, it is requested that written concerns be addressed to HWMA's Executive Director for immediate review and possible HWMA Board reconsideration and revision of the draft amendment.
4. After confirmation that all Members have received, considered and taken final action, HWMA will circulate a written instrument for execution by the Members. Once signatures have been received, a final executed copy will then be distributed to the Members.

FINANCIAL IMPACT: N/A

Narrative Explanation of Financial Impact:

There will be no financial impact to approve the proposed amendments to the JPA.

STAFFING IMPACT: N/A

Narrative Explanation of Staffing Impact:

There is no impact to staffing because this work is included in regular staff duties.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework priority of creating opportunities for improved safety and health and building jurisdictional and regional cooperation.

OTHER AGENCY INVOLVEMENT:

Humboldt Waste Management Authority (HWMA)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board's discretion

ATTACHMENTS:

1. Proposed HWMA JPA Amendments February 2023- Clean
2. Proposed HWMA JPA Amendments February 2023- Compare

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A