

RESOLUTION NO. _____ (2021 SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, TO REMAIN A MEMBER AGENCY OF THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY JOINT POWERS AUTHORITY (JPA) PROVIDED CERTAIN CONDITIONS ARE SATISFIED

WHEREAS, the Integrated Waste Management Authority (“IWMA”) is a JPA comprised of the County of San Luis Obispo, (“County”) seven local agencies (Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach and San Luis Obispo) and a representative of the Community Services District. The IWMA manages, on behalf of its members, hazardous waste, universal waste, solid waste, recycling, and food/green waste; and

WHEREAS, the IWMA is a way for JPA members to pool resources and cost-effectively comply with various solid waste and other regulations including, but not limited to, Senate Bill (SB) 1383, the recently enacted Short Lived Climate Pollutants regulations. The IWMA staff is responsible for administration of over 40 different solid waste programs including household hazardous waste collection, electronics waste collection, and sharps disposal, and many of which require public education and outreach, monitoring, and reporting to the State; and

WHEREAS, the City supports the IWMA through payment of solid waste management fees imposed on all solid waste ratepayers; and

WHEREAS, the IWMA is presently helping all member agencies comply with SB 1383, which is the most significant change to solid waste regulations in 30 years. SB 1383 requires jurisdictions to implement an organic waste diversion program that includes providing organic waste collection services to businesses and residences, edible food recovery goals, public education and outreach, contamination monitoring and sampling activities, recordkeeping and reporting, organic and edible food recovery, infrastructure capacity planning, procurement of recovered organic waste products, and enforcement; and

WHEREAS, in October 2019, the IWMA passed a countywide ordinance banning polystyrene products. The ordinance was controversial because it exceeded State requirements. In March 2020, the IWMA board opted to delay implementation of the ordinance by 12 months. In November 2020, the IWMA board adopted a new strategic plan that committed the agency to implementing and not exceeding State regulatory requirements. In April 2021, the IWMA board considered revoking the polystyrene product ban. However, the ban was upheld after invocation of a Supermajority provision written into the JPA; and

WHEREAS, a series of events contributed to the County commissioning a third-party study of costs for the County to withdraw from the IWMA and independently fulfill all essential functions of the IWMA. The study assessed additional costs of \$1.6 to \$2.1 million per year to unincorporated rate payers and staffing of five new full-time positions to fulfill the programmatic needs for compliance with State mandates. According to the study, to cover projected cost increases, the County would need to immediately increase solid waste rates by 10% to 12% for residents in unincorporated areas; and

WHEREAS, on August 10, 2021, the County Board of Supervisors held a hearing to decide whether to withdraw from the IWMA. The County Board of Supervisors voted to withdraw from the IWMA and implement an independent county solid waste compliance program; and

WHEREAS, the County's analysis and subsequent August 10, 2021 decision to withdraw did not include policy analysis or consideration regarding how withdrawal would financially impact remaining JPA member rates; and

WHEREAS, on September 14, 2021, the County Board of Supervisors passed a resolution to formally notify the IWMA of its intent to withdraw on November 15, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of San Luis Obispo as follows:

SECTION 1. The City hereby declares intent to remain a member agency of the San Luis Obispo County Integrated Waste Management Authority (IWMA) subject to the following conditions:

- a) The IWMA Joint Powers Authority Agreement shall be revised as follows:
 - i) Remove the five County Supervisors as voting board members of the IWMA effective immediately; and
 - ii) Remove the eight-member voting provision stated in Section 8.5; and
 - iii) Add a provision to the Agreement which clearly and directly limits the IWMA's ability to adopt, impose, or implement any rule, regulation, policy, or ordinance in excess of the State requirements.
- b) The revised JPA Agreement must be fully executed as soon as possible.
- c) The IWMA must also take the following actions:
 - i) Begin recruitment and diligently pursue hiring a permanent Executive Director as soon as practical; and
 - ii) Hire a third-party firm with solid waste management expertise to analyze fees, staffing structures and make recommendation for any programs and services that are not required by, or are in excess of, State solid waste regulations. The report shall identify potential cost saving measures and the Board shall evaluate and implement those recommendations to reduce costs and minimize expenses. The report must be completed and distributed to all JPA members.

SECTION 2. This Resolution shall take effect on the date it is approved. The City Manager or their designee is directed to deliver this approved resolution to the IWMA's Acting Executive Director and Executive Committee.

Upon motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote:

AYES:

NOES:

ABSENT:

The foregoing resolution was adopted this _____ day of _____ 2021.

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington
City Clerk

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