



AGENCY:	City Council/BOS
MEETING DATE:	July 21, 2015
DEPARTMENT:	Administration
PRESENTED BY:	M. Sweeney (MSWMA)

## AGENDA ITEM SUMMARY

### **TITLE:**

**RECEIVE REPORT AND CONSIDER ADOPTION OF CITY COUNCIL RESOLUTION APPROVING FIRST AMENDMENT TO THE JOINT POWERS AGREEMENT BETWEEN THE COUNTY OF MENDOCINO AND THE CITY OF FORT BRAGG FOR THE CASPAR LANDFILL AND SOLID WASTE TRANSFER STATION AND AUTHORIZING CITY MANAGER TO EXECUTE THE SAME**

### **ISSUE:**

If the City Council and the Board of Supervisors certify the Environmental Impact Report for the proposed Central Coast Transfer Station and approve implementation of the project, the Joint Powers Agreement (JPA) between the City and the County which addresses the jointly-owned Caspar Landfill and Solid Waste Transfer Station must be modified to address the new facility. The Caspar Joint Coordinating Committee has reviewed and recommends adoption of the First Amendment to the JPA that was entered into on January 25, 2011.

### **RECOMMENDED ACTION:**

Adopt Resolution approving First Amendment to the Joint Powers Agreement between the County of Mendocino and the City of Fort Bragg for the Caspar Landfill and Solid Waste Transfer Station and authorizing City Manager to execute the same.

### **ALTERNATIVE ACTION(S):**

1. No action. If the City Council and/or Board of Supervisors do not take the necessary actions to proceed with implementation of the Central Coast Transfer Station project, amendment to the JPA is unnecessary and no action should be taken.
2. Continue action on the JPA amendment. If the City Council and Board of Supervisors do not reach agreement on the amendment, action should be continued and direction should be provided to staff and/or the Joint Coordinating Committee regarding further revisions.

### **ANALYSIS:**

On January 25, 2011, the City and the County entered into an updated JPA for the Caspar Landfill and Solid Waste Transfer Station which included a provision stating that replacement or expansion of the Caspar Transfer Station is necessary to accommodate commercial solid waste collection trucks and allow long-haul direct transfer to a destination landfill, and that the County and City shall cooperate in a siting and development project to provide such an expanded facility, either at the Caspar property or another site.

On August 13, 2013, the City Council and the Board of Supervisors designated a site located at 30075 Highway 20, Fort Bragg, as the preferred site for a new solid waste transfer station and authorized preparation of an Environmental Impact Report (EIR). The draft EIR was issued on February 9, 2015, and a final EIR was issued on June 30, 2015.

If the City Council and Board of Supervisors certify the EIR and authorize further steps to proceed with the new transfer station project, the JPA amendment must be amended to address the new facility.

The attached resolution includes the proposed JPA amendment as "Exhibit A." The amendment establishes the basic structure of the City-County relationship with regard to the new facility as follows:

- The County would exercise the option to take title to the property, and City and County would execute required conservation easement and purchase option for the Caspar Landfill property in favor of the California Department of Parks & Recreation.
- The County and City would prepare a Request for Proposals for a private-industry entity (Contractor) to design, build and operate the new transfer station facility.
- The County and City would select the Contractor and negotiate a contract between the County and Contractor. Any amendments to the contract would require City consent.
- The County would administer the Contract which may include a provision for a contract administration fee to cover County's actual costs.
- County and City would both commit their solid waste streams from the coastal region to the new transfer station.
- While liability for design, construction and operation of the new transfer station would be contractually assigned to the Contractor, the County and City would equally share in any judgment not paid by Contractor or Contractor's insurers.
- Upon opening of the new transfer station, the Caspar Self-Haul Transfer Station would be closed.
- The Caspar Joint Coordinating Committee would continue its role in mediating discussions between County and City regarding issues relating to the JPA and solid waste facilities. The amendment includes a dispute resolution process.

#### **FISCAL IMPACT:**

Review and identification of the amount and source of any funds required to implement the recommendation. The fiscal impact analysis should also include any significant issues related to the proposed expenditure such as any need to transfer funds, amend the budget, appropriate additional (unbudgeted) funds or defer other expenditures.

#### **IMPLEMENTATION/TIMEFRAMES:**

If the City Council and Board of Supervisors agree to move forward with the new transfer station project, the next step is for the County to exercise the option to acquire the project site. Then a request for proposals will be issued, followed by negotiation of a contract with a private-industry entity who will design, build and operate the facility.

#### **ATTACHMENTS:**

1. Resolution

**NOTIFICATION:**

Notices of July 21, 2015 meeting mailed to approximately 400 property owners; published in Advocate-News; posted on City website and notice case; two press releases issued.

**City Clerk's Office Use Only**

Agency Action      ☐ Approved      ☐ Denied      ☐ Approved as Amended

Resolution No.: \_\_\_\_\_ Ordinance No.: \_\_\_\_\_

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: \_\_\_\_\_

☐ Deferred/Continued to meeting of: \_\_\_\_\_

☐ Referred to: \_\_\_\_\_