

RESOLUTION NO. 46-07

RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA ACCEPTING FUNDS FROM THE 2006-2007 NORTH RICHMOND WASTE AND RECOVERY MITIGATION FUND CURRENTLY BEING HELD BY THE COUNTY OF CONTRA COSTA AND AUTHORIZING THE CITY MANAGER'S OFFICE TO ADMINISTER CERTAIN ACTIVITIES AS REQUIRED BY THE 2006-2007 AMENDED NORTH RICHMOND WASTE AND RECOVERY MITIGATION FEE EXPENDITURE PLAN FOR AN AMOUNT NOT TO EXCEED FOUR HUNDRED SEVENTY TWO THOUSAND SIX HUNDRED FIFTY EIGHT DOLLARS (\$472,658)

WHEREAS, the North Richmond Waste & Recovery Mitigation Fee ("Fee") was established as a result of the Environmental Impact Report ("EIR") dated November 2003 and as a condition of the permits issued by the City of Richmond and County of Contra Costa for the West Contra Costa Sanitary Landfill Bulk Materials Processing Center ("Transfer Station") and Related Actions ("Project"); and

WHEREAS, the Transfer Station and Project involves new and expanded processing and resource recovery operations on both the incorporated and unincorporated area of North Richmond with the recent closure of the West County landfill; and

WHEREAS, Mitigation Measure 4-5 of the EIR called for a Fee and states that "the facility operator (Republic Services, Inc) shall pay the Fee to defray annual costs associated with collection and disposal of illegally dumped waste and associated impacts in North Richmond and adjacent areas"; and

WHEREAS, Republic Services Inc. pursuant to the permit began levying a per ton mitigation fee on the materials received at the landfill in February 2006, and continues to levy this Fee with the opening of the Transfer Station on October 2, 2006; and

WHEREAS, in order to create, implement and oversee the Fee, the City of Richmond ("City") and the County of Contra Costa ("County") entered into a Memorandum of Understanding (MOU) in July 2004, forming a seven (7) member North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Committee ("Committee"), which administers the Fee collected from the Transfer Station's operations; and

WHEREAS, pursuant to the MOU, the Committee adopted the 2006-2007 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan ("2006-2007 Expenditure Plan") on July 28, 2006, which allocated \$1,519,732 for the implementation of 18 strategies to mitigate the impacts of the new Transfer Station's operations on the North Richmond community; and

WHEREAS, both the Richmond City Council and the Contra Costa County Board of Supervisors approved the 2006-2007 Expenditure Plan on September 12, 2006; and

WHEREAS, the approval of the 2006-2007 Expenditure Plan by the Richmond City Council and the Contra Costa County Board of Supervisors authorizes making funding commitments using Mitigation Fee funds for activities associated with the implementation of the 2006-2007 Expenditure Plan, including the disbursement of funds for operating expenses and executing contracts, memoranda of understanding and agreements; and

WHEREAS, the County currently receives the Mitigation Fee funds and holds it in a dedicated account; and

WHEREAS, the City has been identified as being in a good position to implement specific strategies and to oversee the administration of a portion of the Mitigation Fee funds; and

WHEREAS, in order for the City to implement certain strategies described in the 2006-2007 Expenditure Plan, the County and City needed to enter into an Interagency Agreement ("Agreement")

to transfer funds from the County to the City; and

WHEREAS, an Agreement was created by and between the Contra Costa County Community Development Department and the City of Richmond for the total transfer of \$606,823 of Mitigation Fee funds for the City's administrative staff costs related to the implementation and oversight of the 2006-2007 Expenditure Plan as well as other expenses directly related to each strategy described in the Expenditure Plan which the City will directly oversee/administer; and

WHEREAS, the Contra Costa County Board of Supervisors approved the Agreement that transfers \$606,823 to the City on January 16, 2007; and

WHEREAS, the City Council adopted Resolution 139-06 on December 19, 2006, to accept an amount not to exceed \$145,146 of the total \$606,823 to fund a contract with Community Housing Development Corporation of North Richmond to implement specific strategies; and

WHEREAS, the City Council adopted Resolution 9-07 on January 23, 2007, to accept an amount not to exceed \$461,677 of the remaining \$606,823; and

WHEREAS, the Committee staff convened meetings with City and County staff and other stakeholders that play key roles in implementing various strategies and as a result, staff learned that language used in certain strategies within the approved Expenditure Plan needed to be refined; and

WHEREAS, the Committee adopted the Amended 2006-2007 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan ("2006-2007 Amended Expenditure Plan") on March 9, 2007; and

WHEREAS, both the Richmond City Council and the Contra Costa County Board of Supervisors approved the 2006-2007 Amended Expenditure Plan on April 3, 2007; and

WHEREAS, the County and City needed to enter into an Amended Interagency Agreement ("Amended Agreement") to transfer additional funds from the County to the City; and

WHEREAS, an Amended Agreement was created by and between the Contra Costa County Community Development Department and the City of Richmond for the maximum transfer of \$472,658 of Mitigation Fee funds related to the implementation and oversight of the 2006-2007 Amended Expenditure Plan; and

WHEREAS, the Amended Agreement increases the payment limit by \$472,658 to a new total payment limit of \$1,079,481; and

WHEREAS, the Contra Costa County Board of Supervisors approved the Amended Agreement that transfers \$472,658 to the City on April 24, 2007; and

WHEREAS, staff from the City Manager's Office and the County Community Development Department will provide oversight to assure that the activities and expenses are consistent with the intent of the Amended Interagency Agreement and the 2006-2007 Amended Expenditure Plan; and

WHEREAS, the City Manager's staff will provide the County Community Development Department staff with adequate documentation related to all activities specified in the Amended Agreement; and

WHEREAS, the City Manager's Office will assure that the administration of certain activities and the Mitigation Fee funds will be conducted in accordance with the applicable provisions of the Richmond Municipal Code Chapter 2.52; and

WHEREAS, the City Council received and accepted a staff report dated May 1, 2007, with regards to this resolution.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Richmond, California, authorizes the City of Richmond to accept North Richmond Waste and Recovery Mitigation Fee

funds from the County of Contra Costa in an amount not to exceed \$472,658 for the purpose of funding specific strategies to carry out the intent of this resolution and in accordance with the 2006-2007 Amended Expenditure Plan and to administer funds as required; and

BE IT FURTHER RESOLVED, that the Council of the City of Richmond, California, authorizes the City Manager's Office to oversee the administration of certain activities and expenses as required by the 2006-2007 Amended Expenditure Plan.

I certify that the foregoing Resolution was passed and adopted by the Members of the City Council of the City of Richmond, California at a regular meeting thereof held on May 1, 2007, by the following vote:

AYES:	Councilmembers Bates, Butt, Lopez, Rogers, Sandhu, Thurmond, Viramontes and Mayor McLaughlin
NOES:	None
ABSTENTIONS:	None
ABSENT:	Councilmember Marquez

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

LOUISE RENNE
City Attorney

City of Richmond }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 46-07, finally passed and adopted by the Council of the City of Richmond at a meeting held on May 1, 2007.