

RESOLUTION NO. 98-07

RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA AUTHORIZING UNEXPENDED NORTH RICHMOND WASTE AND RECOVERY MITIGATION FEE FUNDS FROM FY 2006-07 TO BE ENCUMBERED BY THE CITY MANAGER'S OFFICE IN FY 2007-2008 IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY TWO THOUSAND SIX HUNDRED FIFTEEN DOLLARS (\$152,615) AND AUTHORIZING THE ENCUMBRANCE OF FUTURE UNEXPENDED FUNDS FOR USE IN FUTURE FISCAL YEARS

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 conditional use permits, 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, every two years the Committee adopts a North Richmond Waste and Recovery Mitigation Fee Expenditure Plan ("Expenditure Plan") which allocates a specific amount of funds, as identified every two years by Republic Services, Inc., for the implementation of strategies to mitigate the impacts of the Transfer Station's operations on the North Richmond community; and

WHEREAS, both the Richmond City Council and the Contra Costa County Board of Supervisors are

required to approve the biennial Expenditure Plan; and

WHEREAS, the County receives the Fees from Republic Services, Inc. and holds it in a dedicated account until a specified portion is transferred to the City via an Interagency Agreement, which has to be approved by both the Richmond City Council and the Contra Costa County Board of Supervisors; and

WHEREAS, the City Manager's Office uses these Fees to implement and oversee the administration of specific strategies, and in partnership with the County Community Development Department provides oversight to assure that the activities and expenses are consistent with the intent of the Interagency Agreement and Expenditure Plan; and

WHEREAS, the Fee is paid monthly to the County by Republic Services, Inc. and biennial Expenditure Plans are created to allocate those Fees to fund specific strategies; and

WHEREAS, all Fees accepted by City Council at the beginning of each biennial Expenditure Plan cycle and used by the City Manager's Office to fund specific strategies are not fully expended within each fiscal year; and

WHEREAS, the conflict between the City's fiscal year calendar and the biennial Expenditure Plan cycle causes specific Fees to not be expended during the fiscal year; and

WHEREAS, any unencumbered Fees should either be returned to the County coffers or kept in the City coffers to continue funding of the same strategies in future years; and

WHEREAS, once it is determined what should be done with the unexpended funds, the City Manager's Office will work closely with the City of Richmond Finance Department to include each year's appropriation requests in the subsequent year's operating budget process; and

WHEREAS, the City Council received and accepted a staff report dated September 11, 2007, with regards to this resolution.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Richmond, California, (1) authorizes unencumbered Mitigation Fee from FY 2006-2007 to be appropriated and expended by the City Manager's Office in FY 2007-2008 in an amount not to exceed \$152,615 for the purpose of funding specific strategies in accordance with the 2006-2007 Amended Expenditure Plan and Interagency Agreement, and (2) authorizes unexpended funds within future North Richmond Mitigation Fee account strings to be encumbered annually by the City of Richmond Finance Department for use by the City Manager's Office in the future fiscal years for the purpose of funding specific strategies in accordance with the future Expenditure Plans and Interagency Agreements.

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 September 11, 2007, by the following vote:

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

DIANE HOLMES
Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE McLAUGHLN
Mayor

Approved as to form:

LOUISE RENNE, Interim
City Attorney

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

I certify that the foregoing is a true copy of Resolution No. 98-07, finally passed and adopted by the Council of the city of Richmond at a meeting held on September 11, 2007.