

**RESOLUTION NO. 131-07**

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA ACCEPTING FUNDS FROM THE 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 PRELIMINARY 2008/2009 NORTH RICHMOND WASTE AND RECOVERY MITIGATION FEE EXPENDITURE PLAN FOR AN AMOUNT NOT TO EXCEED FOUR HUNDRED EIGHTY ONE THOUSAND THREE HUNDRED SEVENTY NINE DOLLARS AND TWENTY SEVEN CENTS (\$481,379.27)**

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**WHEREAS**, the North Richmond Waste & Recovery Mitigation Fee ("Mitigation 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 Mitigation Fee and states that "the facility operator (Republic Services, Inc.) shall pay the Mitigation Fee to defray annual costs associated with collection and disposal of illegally dumped waste and associated impacts in North Richmond and adjacent areas ("Host Community"); 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 Mitigation Fee with the opening of the Transfer Station on October 2, 2006; and

**WHEREAS**, in order to create, implement and oversee the Mitigation 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 Mitigation Fee collected from the Transfer Station's operations; and

**WHEREAS**, the Committee was formed for the specific purpose of preparing a recommended two-year Expenditure Plan which provides a means to jointly administer the Mitigation Fee funding for the benefit of the host community; and

**WHEREAS**, pursuant to the MOU, on December 4, 2007, the Richmond City Council and the Contra Costa County Board of Supervisors approved the Preliminary 2008/2009 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan ("2008/2009 Expenditure Plan") which allocated \$1,361,455.62 for the implementation of strategies; and

**WHEREAS**, the approval of the 2008/2009 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 2008/2009 Expenditure Plan, including the disbursement of funds for operating expenses and executing contracts, memoranda of understanding and agreements; and

**WHEREAS**, the approval also authorizes the continued use of 2006/2007 funding for designated strategies until the remainder of new 2008/2009 funding allocations are approved; 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 2008/2009 Expenditure Plan, the County and City need to enter into a second Amended Interagency Agreement

("Amended Agreement") to transfer funds from the County to the City; and

**WHEREAS**, the City Council approved the first Interagency Agreement in January 2007 and via Resolutions 139-06 and 09-07 accepted an amount not to exceed \$606,823;

**WHEREAS**, the City Council approved an Amended Interagency Agreement in May 2007 and via Resolution 46-07 accepted an amount not to exceed \$472,658; 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 \$481,379.27 of Mitigation Fee funds related to the implementation and oversight of the 2008/2009 Expenditure Plan; and

**WHEREAS**, the Amended Agreement increases the payment limit by \$481,379.27 to a new total payment limit of \$1,560,860.27 and extends the term through March 31, 2010; and

**WHEREAS**, the Agreement will go before the Contra Costa County Board of Supervisors for approval on December 18, 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 Agreement and the 2008/2009 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 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 December 11, 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 \$481,379.27 for the purpose of funding specific strategies to carry out the intent of this resolution and in accordance with the 2008/2009 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 2008/2009 Expenditure Plan.

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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 December 11, 2007, by the following vote:

AYES: Councilmembers Bates, Butt, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin

NOES: None

ABSTENTIONS: None

ABSENT: Councilmember Lopez

DIANE HOLMES  
Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE McLAUGHLIN  
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. 131-07, finally passed and adopted by the Council of the City of Richmond at a meeting held on December 11, 2008.