

**RESOLUTION NO. 139-06**

**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 2006-2007 NORTH RICHMOND WASTE AND RECOVERY MITIGATION FEE EXPENDITURE PLAN FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY SIX THOUSAND ONE HUNDRED FORTY FIVE DOLLARS (\$146,145)**

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**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 would involve new and expanded processing and resource recovery operations on both the incorporated and unincorporated area of North Richmond with the anticipated 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. introduced the levy of a per ton mitigation fee on the materials received at the landfill in February 2006, and continued levying this Fee when the Transfer Station opened on October 2, 2006; and

**WHEREAS**, in order to create, implement and oversee the Fee, the City of Richmond and the County of Contra Costa entered into a Memorandum of Understanding (MOU) in July 2005, 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, on July 28, 2006, the Committee adopted the 2006-2007 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan ("2006-2007 Expenditure Plan") 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**, 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 2006-2007 Expenditure Plan, including the disbursement of funds for operating expenses and executing contracts, memorandums of understanding and agreements; and

**WHEREAS**, the Community Housing Development Corporation of North Richmond (CHDC) has been identified as being in a good position to implement specific strategies within the Expenditure Plan that are aligned with a portion of the organization's mission to "eliminate the current blighted condition" of North Richmond; and

**WHEREAS**, the City Council approved, on December 19, 2006, entering into a Contract with CHDC for an amount not to exceed \$146,145 to execute strategies contained therein; and

**WHEREAS**, City Manager's staff will provide contract oversight to assure that the activities and expenses are consistent with the intent of the CHDC Contract and the 2006-07 Expenditure Plan

and will be provided with adequate documentation related to all activities for which any reimbursement is being requested under the Contract; and

**WHEREAS**, Mitigation Fee funding, in the amount of \$146,145, is currently being held by the County in a dedicated account for transfer to the City to fund the CHDC Contract; and

**WHEREAS**, the City Council received and accepted a staff report dated December 19, 2006, with regard to this Resolution; and

**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 for the purpose of funding the contract with CHDC to carry out the intent of this resolution and in accordance with the 2006-2007 Expenditure Plan and to administer funds as required.

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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 meeting held on December 19, 2006 by the following vote:

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

DIANE HOLMES  
Clerk of the City of Richmond

[SEAL]

Approved:

IRMA L. ANDERSON  
Mayor

Approved as to form:

JOHN EASTMAN  
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. 139-06, finally passed and adopted by the Council of the City of Richmond at a meeting held on December 19, 2006.