

RESOLUTION NO. 9-07

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 2006-2007 NORTH RICHMOND WASTE AND RECOVERY MITIGATION FEE EXPENDITURE PLAN FOR AN AMOUNT NOT TO EXCEED FOUR HUNDRED SIXTY ONE THOUSAND SIX HUNDRED SEVENTY SEVEN DOLLARS (\$461,677)

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, 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, respectively, 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 the 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, 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 within the 2006-2007 Expenditure Plan that are aligned with a portion of the organization's mission to "eliminate the current blighted condition" of North Richmond; 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 Interagency Agreement and the 2006-2007 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 Council received and accepted a staff report dated January 23, 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 \$461,677 for the purpose of funding specific strategies to carry out the intent of this resolution and in accordance with the 2006-2007 Expenditure Plan and to administer funds as required.

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 thereof held on January 23, 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 McLAUGHLIN
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. 9-07, finally passed and adopted by the Council of the City of Richmond at a meeting held on January 23, 2007.