

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 SEP -4 PM 2:13

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Public Works Agency
DATE: September 18, 2008

RE: **Resolution Amending The Alameda County Waste Management Authority Joint Powers Agreement Section 7.D "Vote Required" Of The Joint Exercise Of Powers Agreement For Waste Management, Maintaining The Two-Thirds Majority Vote For Actions Requiring Expenditures Of Five Hundred Thousand Dollars (\$500,000.00) Or More, And Allowing All Other Actions To Proceed Based On A Majority Of The Authorized Vote**

SUMMARY

The Joint Exercise of Powers Agreement for Waste Management (JPA) provides that a two-thirds vote is required for all ordinances and resolutions, and a majority vote of those present and voting is required for all other actions. The amendment to Section 7.d "Vote Required" would change the voting requirement such that the two-thirds majority vote for actions requiring expenditures of \$500,000 or more would be maintained, and all other actions to proceed based on a majority of the authorized vote. This change to the voting provisions will streamline the approval process for ordinary actions, while ensuring major decisions with significant fiscal impact are approved by broad consensus.

Staff recommends that the amendment to the JPA be approved.

FISCAL IMPACT

Adoption of this resolution will have no direct fiscal impacts to the City of Oakland.

BACKGROUND

The Alameda County Waste Management Authority (ACWMA) Board recommended on June 25, 2008, that ACWMA's member agencies approve an amendment to the JPA to simplify voting procedures for the ACWMA Board. The City of Oakland is a member agency of ACWMA, which was created through the JPA dated February 13, 1990. All 14 cities, the County and two sanitary districts are members of the ACWMA. At least 12 of the 17 member agencies must approve the amendment for it to become effective.

KEY ISSUES AND IMPACTS

The City of Oakland is a member of ACWMA, and through the JPA is accorded three votes on the ACWMA Board. Councilmember Jean Quan was appointed to the ACWMA Board by Council Resolution No. 79062 C.M.S. in February 2005, and currently serves as Board President.

Item: _____
City Council
September 18, 2008

At a regular public meeting of the ACWMA Board on June 25, 2008, the following amendment to Section 7.d of the JPA was approved, with text to be inserted in underline italics, and text to be deleted in strikeout:

d. Vote Required

A two-thirds majority of the authorized vote shall be required for expenditures of \$500,000 or more. Except as provided elsewhere in this Agreement, a majority of the authorized vote shall be required for all other actions. ~~The adoption of a resolution or ordinance. A majority vote of those present and voting shall be required for any other action. Actions to approve Authority participation in or financing of countywide or regional facilities, or countywide systems of subregional facilities, shall be by resolution, and shall also require a vote of two-thirds of the Agencies.~~

The amendment is consistent with City policies that allow for ordinary actions to be approved by a simple majority of the governing body.

PROGRAM DESCRIPTION

ACWMA and the Source Reduction and Recycling Board form an integrated agency known as StopWaste.Org, which is dedicated to achieving a 75% and beyond diversion goal through the development and promotion of sustainable consumption and disposal programs for the people of Alameda County. StopWaste.Org provides direct funding to the City of Oakland in support of waste reduction, recycling, and other sustainability programs. In addition, StopWaste.Org develops and promotes programs on behalf of and in partnership with the City of Oakland. The amendment to Section 7.d of the JPA would provide for more efficient management of resources provided through StopWaste.Org, and would not affect the City's voting power (three votes).

SUSTAINABLE OPPORTUNITIES

Economic: Adoption of this resolution provides no direct economic opportunities.

Environmental: Adoption of this resolution may provide additional environmental benefit through more efficient use of financial resources managed by ACWMA.

Social Equity: Adoption of this resolution will have minimal to no impact on social equity.

DISABILITY AND SENIOR CITIZEN ACCESS

Adoption of this resolution will have no impact on accessibility for seniors or persons with disabilities.

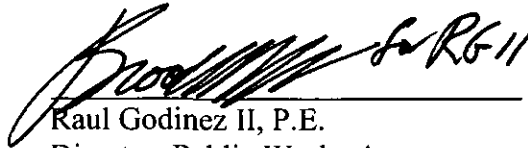
RECOMMENDATION(S) AND RATIONALE

Staff recommends that Council approve amendment of the voting provisions of the JPA. Staff has determined that the voting structure, if amended as recommended by Resolution of the ACWMA Board, would not diminish the City's voting power and may improve the efficiency by which program funding and assistance is made available by ACWMA to the member agencies.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution approving amendment of the Joint Exercise of Powers Agreement for Waste Management.

Respectfully submitted,



Raul Godinez II, P.E.
Director, Public Works Agency

Reviewed by:
Brooke A. Levin, Assistant Director

Reviewed by:
Susan A. Kattchee, Manager, Environmental Services

Prepared by:
Becky Dowdakin, Solid Waste & Recycling Program
Supervisor, Environmental Services Division

APPROVED AND FORWARDED TO THE
Rules Committee:



Office of the City Administrator

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 SEP - 2 PM 2:14

OAKLAND CITY COUNCIL

Patrick T. ...
City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember Jean Quan

RESOLUTION AMENDING THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY JOINT POWERS AGREEMENT SECTION 7.D "VOTE REQUIRED" OF THE JOINT EXERCISE OF POWERS AGREEMENT FOR WASTE MANAGEMENT, MAINTAINING THE TWO-THIRDS MAJORITY VOTE FOR ACTIONS REQUIRING EXPENDITURES OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) OR MORE, AND ALLOWING ALL OTHER ACTIONS TO PROCEED BASED ON A MAJORITY OF THE AUTHORIZED VOTE

WHEREAS, the City of Oakland is a member agency of Alameda County Waste Management Authority (ACWMA), which was created pursuant to the Joint Exercise of Powers Agreement (JPA) for Waste Management dated February 13, 1990 as amended from time to time thereafter; and

WHEREAS, on June 25, 2008 the ACWMA Board recommended that ACWMA's member agencies approve an amendment to the JPA to simplify voting procedures for the ACWMA Board; and

WHEREAS, this change to the voting requirement will streamline the approval process for ordinary actions while ensuring major decisions with significant fiscal impact are approved by broad consensus; now, therefore be it

RESOLVED: that the City Council of the City of Oakland approves the following amendment to Section 7.d of the Joint Exercise of Powers Agreement for Waste Management, with text to be inserted in underline italics, and text to be deleted in strikethrough.

d. Vote Required

A two-thirds majority of the authorized vote shall be required for expenditures of \$500,000 or more. Except as provided elsewhere in this Agreement, a majority of the authorized vote shall be required for all other actions. ~~The adoption of a resolution or ordinance. A majority vote of those present and voting shall be required for any other action. Actions to approve Authority participation in or financing of countywide or regional facilities, or countywide systems of subregional facilities, shall be by resolution, and shall also require a vote of two-thirds of the Agencies.~~

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California