



Staff Report

APPROVING A LETTER FOR THE MAYOR'S SIGNATURE STATING THE COUNCIL'S PREFERENCE FOR COMPOSITION OF THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS

Honorable Mayor and Council Members:

Summary

Council is asked to approve the attached letter for the Mayor's signature. This letter is addressed to the Councils or Boards of the other member agencies of the South Bayside Waste Management Authority (SBWMA). It conveys the City of Belmont's position concerning the governance structure of the SBWMA, as stated by the Council at its May 24, 2005 meeting.

Background

In 1999, the City of Belmont joined eleven other southern San Mateo County agencies to establish the South Bayside Waste Management Authority (SBWMA), a Joint Powers Authority (JPA) providing for joint ownership, financing, administration, and operation of the transfer station and recycling facilities located in San Carlos and for effective and efficient planning and implementation of solid waste and recycling services. In accordance with the Joint Powers Act, the member agencies established the SBWMA as a separate public entity with broad powers including the power to acquire and finance real and personal property; enter into agreements; hire agents and employees; incur debts, liabilities and loans; issue bonds; and establish fees for the transfer and recycling station facilities. The JPA provides that the SBWMA is governed and administered by a Board of Directors composed of representatives from member agency staff.

In March 2005, the SBWMA convened an ad hoc staffing structure subcommittee to evaluate the SBWMA organization and make recommendations for improvement. The subcommittee was asked to consider two key items: (1) If the SBWMA should create an Executive Director position to administer SBWMA business, and (2) If the SBWMA should recommend to the member agencies that the JPA be amended to change to a Board of Directors composed of elected officials. At the May 24, 2005 Council meeting, Belmont's staff representative to SBWMA asked for Council's direction concerning the second item. Council stated that it believed the SBWMA Board should be composed of elected officials, given the broad powers of the Board to make decisions concerning public monies. The Council further stated that the decision to establish an Executive Director position should have been approved by elected

officials and that elected officials should confirm the hiring of the candidate. Council directed staff to convey this position to the SBWMA Board and also stated that it would send a letter conveying Belmont's position directly to the governing Councils or Boards of the other SBWMA member agencies.

SBWMA held a special meeting for member agency City Managers and their representatives prior to the regularly scheduled Board meeting on May 26, 2005. In this meeting, the representatives voted eight to three against recommending a change to the governing provisions of the SBWMA JPA. The Chair reported this information at the regular Board meeting.

Discussion

Staff drafted the attached letter for City Council approval. If approved and signed by the Mayor, this letter will be sent to the Mayors or Chairs of the other SBWMA member Councils or Boards.

Fiscal Impact

There will be no fiscal impact from any action concerning this item.

Public Contact

This item title was posted with City Council agenda.

Recommendation

Staff recommends that Council approve the attached letter for the Mayor's signature and approve its distribution to the Councils or Boards of the SBWMA member agencies.

Alternatives

1. Request further information from staff.
2. Take no action

Attachments

- A. Letter Stating the Council's Preference for Composition of the South Bayside Waste Management Authority Board of Directors

Respectfully submitted,

Kathleen E. Phalen, PE
City Engineer

Raymond E. Davis III, PE, PTOE
Director of Public Works

Jack Crist
Interim City Manager

Date

Dear Mayor _____

I am writing you to express the City of Belmont's concerns regarding the governance of the South Bayside Waste Management Authority (SMWMA) and requesting your agency to reconsider establishing a Board composed of elected officials with a Technical Advisory Committee composed of staff.

Our agencies established the SBWMA as a Joint Powers Authority to provide for our joint ownership, financing, administration, and operation of the transfer station and recycling facilities in 1999. The JPA was established to provide effective and efficient planning and implementation of our solid waste and recycling collection. The SBWMA Board has broad powers including the power to acquire and finance facilities, real property and personal property; enter into agreements; hire agents and employees; incur debts, liabilities and loans; issue bonds; and establish rates and fees for the transfer and recycling station facilities.

The ability of the SBWMA to commit public funds should be the responsibility of those of us who are elected to represent the citizens of our respective communities, not appointed staff as is the current structure. We are the ones who will ultimately be held responsible for any actions taken by the SBWMA. I agree that we need a Technical Advisory Committee composed of staff to provide expertise to the Board. However, a Board of elected representatives should be providing the policy direction to the newly established Executive Director and his/her staff.

The current SBWMA Board made up of appointed staff voted in May not to support a Board of elected representatives. Eight out of the eleven agencies present supported this action. The cities of Belmont, East Palo Alto and Redwood City voted against this action and supported the proposal to establish a Board of elected representatives.

We further believe that elected officials should be actively involved in the decision to establish an Executive Director position and select the individual to fill the position. We need to insure that the Executive Director keeps the best interest of all the agencies involved. Again, we as elected officials are ultimately responsible for any actions taken by the Board.

It should be noted that the JPA will need to be modified and approved by each of the agencies to establish an Executive Director position. This is an ideal time to further modify the JPA to have elected officials serving on the policy board and to establish a Technical Advisory Committee.

I respectfully request that you and your Council review the powers granted by the SBWMA JPA and consider if some or all of these powers would be more appropriately vested in elected officials. Please direct your Board representative to reconsider the previous action taken by the

Board and to establish a Board composed of elected officials with a Technical Advisory Board of staff.

Thank you for considering this very important public policy issue. Please feel free to contact me at (phone number) or (email) if you have any questions or wish to discuss this further.

Sincerely,

David Warden
Mayor

Distribution:

William R. Conwell, Mayor
Town of Atherton
91 Ashfield Road
Atherton, CA 94027
wconwell@ci.atherton.ca.us

Joe Galligan, Mayor
City of Burlingame
501 Primrose Road,
Burlingame, CA 94010-3997
joegalign@aol.com

David E. Woods, Mayor
City of East Palo Alto
2415 University Avenue
East Palo Alto, CA 94303
davidwoods01@yahoo.com

Rick Wykoff, Mayor
City of Foster City
610 Foster City Boulevard
Foster City, CA 94404
rvykoff@fostercity.org

Thomas Kasten, Mayor
Town of Hillsborough
1600 Floribunda Avenue
Hillsborough, CA 94010

Mickie Winkler, Mayor
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025
mwinkler@menlopark.org

Jeff Ira. Mayor
City of Redwood City
1017 Middlefield Road
Redwood City, CA 94063
jjira@redwoodcity.org

Inge Tiegel Doherty, Mayor
City of San Carlos
600 Elm Street
San Carlos, CA 94070
inge.doherty@ci.san-carlos.ca.us

Jan Epstein, Mayor
City of San Mateo
330 West 20th Avenue
San Mateo, CA 94403
jepstein@cityofsanmateo.org

Richard S. Gordon, President
County of San Mateo Board of Supervisors
400 County Center
Redwood City, CA 94063
rgordon@co.sanmateo.ca.us

John P. Carcione Esq.
President of the District Board
West Bay Sanitary District
500 Laurel Street
Menlo Park, CA 94025