



Staff Report

DISCUSSION & DIRECTION REGARDING RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT REQUESTING SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY (SBWMA) ALLOW ELECTED OFFICIALS TO REPRESENT MEMBER AGENCIES ON THE JOINT POWERS AUTHORITY BOARD OF DIRECTORS

Honorable Mayor and Council Members:

Summary

City Council Member Bill Dickenson has asked that the City Council again consider the matter of allowing elected officials to serve on the SBWMA Joint Powers Authority Board of Directors. The City Council previously considered this issue on July 12, 2005 and February 27, 2007. Copies of the staff reports for those dates, previous letter correspondence and resolutions are attached. A new resolution is also included should the City Council wish to re-approve the resolution.

Background

Twelve agencies established the SBWMA as a Joint Power Authority to provide for the joint ownership, financing, administration and operation of the transfer station and recyclery facilities in 1999. The SBWMA was restructured in 2005. The primary purpose of the restructure was to create an Executive Director position to administer and manage the SBWMA on a day to day basis. In addition, the SBWMA Board powers were broadened 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 current SBWMA Joint Powers agreement essentially states "each member must select its Director or the Director's designee alternate from among the following positions:

- County, District, City or Town Manager or the equivalent position
- County, District, City, or Town Assistant Manager or equivalent position
- Finance Director or Assistant Finance Director or equivalent position
- Public Works Director or Assistant Public Works Director or Environmental Programs Manager or equivalent position

The JPA agreement between the member agencies requires the approval of two-thirds of the Members for any of the following actions:

- Acquisition of real property
- Disposal or transfer of any interest in real property
- Entering into or amending Franchise Agreements for the operation of the Facilities
- Issuance of bonds or notes, or the refinance of such bonds or notes.

General Plan/Vision Statement

There is no impact from this report

Fiscal Impact

There is no impact from this report

Public Contact

The Council Agenda was posted

Recommendation

This is a City Council Member initiated report. A draft resolution is included should the Council wish to consider it.

Alternatives

1. Take no action
2. Refer back to staff for further information

Attachments

- A. Draft Resolution
- B. Letter dated March 2, 2007 from Council Member Bill Dickenson
- C. City Council Report dated February 27, 2007
- D. City Council Report dated July 12, 2006
- E. Letter from Mayor Dave Warden dated July 15, 2005

Respectfully submitted,



Jack R. Crist
City Manager

Staff Contact:

Jack Crist, City Manager

(650) 595-7408

jcrist@belmont.gov

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT REQUESTING THE MEMBER AGENCIES OF THE SOUTH BAY WASTE MANAGEMENT AUTHORITY TO RE-STRUCTURE THE BOARD MEMBERSHIP TO ALLOW ELECTED OFFICIALS TO REPRESENT AGENCY MEMBERS

WHEREAS, the South Bayside Waste Management Authority (SBWMA) was established to provide for the joint ownership, financing, administration, and operation of the transfer station and recyclery facilities; and,

WHEREAS, the SBWMA was established to provide effective planning and implementation of our solid waste and recycling collection; and,

WHEREAS, the SBWMA 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; and establish rates and fees for the transfer and recycling station facilities; and,

WHEREAS, the ability of the SBWMA to commit public funds should be the responsibility of those who are elected to represent the citizens of our respective communities, not appointed staff members; and,

WHEREAS, it is the elected representatives of each respective community who are ultimately held responsible for any actions taken by the SBWMA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont:

1. Requests the South Bayside Waste Management Authority to re-structure the Board membership to allow for elected officials to represent agency members.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on April 28, 2008 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont



March 2, 2007

Dear Fellow Council or Agency Member:

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 that your agency 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 members as under the current structure. We are the ones who will ultimately be held responsible for any actions taken by the SBWMA.

We 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 staff.

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.

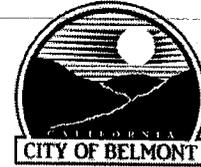
Thank you for considering this very important public policy issue. I would be glad to attend one of your Council meetings and speak on this topic. Please feel free to contact me at 650-593-3940 or wdickenson@belmont.gov if you have any questions or wish to discuss this further.

Sincerely,

Bill Dickenson
Council Member

cc: Belmont Mayor and City Council Members

Attachment: Belmont Council Resolution



Staff Report

RESOLUTION REQUESTING THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY TO RE-STRUCTURE THE BOARD MEMBERSHIP TO ALLOW FOR ELECTED OFFICIALS TO REPRESENT AGENCY MEMBERS

Honorable Mayor and Council Members:

Summary

The resolution is to request the South Bayside Waste Management Authority (SBWMA) to reconsider the existing composition of non-elected board members to allow for elected officials to serve on the SBWMA Board of Directors.

Background

Twelve agencies established the SBWMA as a Joint Powers Authority to provide for the 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 solid waste and recycling collection. The management and administration of the JPA was primarily under the direction of the City of San Carlos

The SBWMA was restructured in 2005. The primary purpose of the restructure was to create an Executive Director position to administer and manage the SBWMA on a day to day basis. In addition, the SBWMA Board powers were broadened 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 JPA agreement does require the approval of two-thirds of the Members for any of the following actions:

1. Acquisition of real property
2. Disposal or transfer of any interest in real property
3. Entering into or amending Franchise Agreements for the operation of the Facilities
4. Issuance of bonds or notes, or the refinance of such bonds or notes.

Discussion

City Council has gone on record that the ability of the SBWMA to commit public funds should be the responsibility of those who are elected to represent the citizens of each of the respective communities, not appointed staff members as under the current structure. It is the elected officials who are ultimately held responsible for any actions taken by the SBWMA.

The current SBWMA Board made up of appointed staff voted in March, 2005, not to support the 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.

Council member Dickenson has volunteered to pursue this issue with the other Member agency's councils. The proposed resolution will assist him with these efforts.

General Plan/Vision Statement

There is no impact from this report.

Fiscal Impact

There is no fiscal impact from this report.

Public Contact

The Council agenda was posted.

Recommendation

It is recommended City Council adopt the resolution requesting the Member Agencies of the South Bayside Waste Management Authority to re-structure the Board membership to allow for elected officials to represent agency members.

Alternatives

1. Take no action.
2. Refer back to staff for further information.
3. Deny approval.

Attachments

- A. Resolution

Respectfully submitted,

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

Jack R. Crist
City Manager

Staff Contact:
Ray Davis, Public Works Director
650 595-7460
rdavis@belmont.gov

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT REQUESTING THE MEMBER AGENCIES OF THE SOUTH BAY WASTE MANAGEMENT AUTHORITY TO RE-STRUCTURE THE BOARD MEMBERSHIP TO ALLOW FOR ELECTED OFFICIALS TO REPRESENT AGENCY MEMBERS

Whereas, the South Bayside Waste Management Authority (SBWMA) was established to provide for the joint ownership, financing, administration, and operation of the transfer station and recyclery facilities; and,

Whereas, the SBWMA was established to provide effective and efficient planning and implementation of our solid waste and recycling collection; and,

Whereas, the SBWMA 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; and,

Whereas, the ability of the SBWMA to commit public funds should be the responsibility of those who are elected to represent the citizens of our respective communities, not appointed staff members; and,

Whereas, it is the elected representatives of each respective community who is ultimately held responsible for any actions taken by the SBWMA Board; and,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont:

- 1. Request the South Bayside Waste Management Authority to re-structure the Board membership to allow for elected officials to represent agency members.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on February 27, 2007 by the following vote:

AYES, COUNCILMEMBERS: Dickenson, Mathewson, Warden, Feierbach

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: Lieberman

Jeri Cook
CLERK of the City of Belmont

APPROVED:
Coralie Feierbach
MAYOR of the City of Belmont

*Letter approved.***RECEIVED**

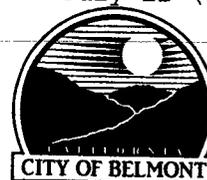
JUN 22 2005

Council Agenda # 6-B

Meeting of June 28, 2005

July 12 (carried over)

BELMONT CITY CLERK



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 schedule 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

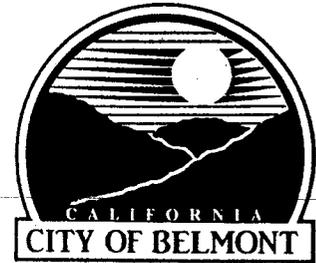


Raymond E. Davis III, PE, PTOE
Director of Public Works



Jack Crist
Interim City Manager

July 15, 2005



Mayor William R. Conwell
c/o Office of the City Clerk
Town of Atherton
91 Ashfield Road
Atherton, CA 94027

Dear Mayor Conwell,

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 dwarden@belmont.gov or, City Manager, Jack Crist at (650) 595-7410 or jcrist@belmont.gov if you have any questions or wish to discuss this further.

Sincerely,

A handwritten signature in black ink, appearing to read "David Warden", written in a cursive style.

David Warden
Mayor