

RESOLUTION NO. 3266-16

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
AUTHORIZING THE TOWN MANAGER TO AGREE TO EXTEND THE TERM OF
THE AGREEMENT BETWEEN THE CITIES OF SONOMA COUNTY AND SONOMA
COUNTY FOR A JOINT POWERS AGENCY TO DEAL WITH WASTE
MANAGEMENT ISSUES BY ONE YEAR**

WHEREAS, the Town of Windsor (the “Town”) is a party to that certain Agreement Between the Cities of Sonoma County and Sonoma County for a Joint Powers Agency to Deal With Waste Management Issues, as amended on January 24, 1996 by the First Amendment to the Agreement, and on March 27, 2014 by the Second Amendment to the Agreement (collectively, the “Agreement”); and

WHEREAS, the Agreement created the Sonoma County Waste Management Agency (the “Agency”) as a separate public entity in accordance with the requirements of Government Code section 6500 *et seq.*, to provide service to the Sonoma County region on four primary programs: (1) household hazardous waste; (2) wood waste; (3) yard waste that otherwise would go to a landfill; and (4) education about the Agency’s programs (collectively, the “Agency Programs”); and

WHEREAS, the Agency further serves as a Regional Agency designated by the California Department of Resources Recycling and Recovery in compliance with Public Resources Code section 40975 for purposes of implementing, monitoring and reporting programs to meet the goals established by the Integrated Waste Management Act of 1989 on behalf of the member Cities and County (a “Regional Agency”); and

WHEREAS, the Agreement has a term of twenty-five (25) years, which term expires on February 11, 2017, which term may be extended from year to year by mutual agreement of the member Cities and County; and

WHEREAS, the expiration of the Agreement would result in the dissolution of the Agency; and

WHEREAS, the Board of the Agency is engaged in discussion regarding the future of the Agency and the Agency Programs, including whether to recommend to the member Cities and County to enter into a new or amended joint exercise of powers agreement to continue the Agency Programs and its service as a Regional Agency, or to address the Agency Programs in another manner, including transitioning the Agency Programs to one or more other agencies and potentially establishing a new agency to serve as a Regional Agency for the member Cities and County; and

WHEREAS, the Town supports a regional approach to the Agency Programs, but recognizes that the member Cities and County may require additional time beyond the expiration of the term of the Agreement to negotiate the terms of a new joint exercise of powers agreement or agree upon an entity or entities to take over responsibility for the current Agency programs; and

WHEREAS, in the event such additional time is needed to determine the future of the Agency, the Town is willing to extend the term of the Agreement for one (1) year from the current date of expiration; and

WHEREAS, the Agency has indicated that in the event all of the member Cities and County have not agreed upon and designated one or more successor agencies to assume responsibility for all of the Agency Programs and serve as a Regional Agency for the member Cities and County, or elected to withdraw from the Agency, on or before July 1, 2016, the Agency will require an additional year to either develop a plan for the continuation of the Agency Programs, or efficiently transition the Agency's operations to other agencies and/or the member Cities and County.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Windsor that in the event that the Town and the other member Cities and County have not all agreed upon and designated one or more successor agencies to assume responsibility for the Agency Programs and to serve as a Regional Agency for the member Cities and County, or elected to withdraw from the Agency, on or before July 1, 2016, the Town agrees to extend the term of the Agreement by one (1) year from its current expiration date. Upon such extension, the new expiration date for the Agreement shall be February 11, 2018.

BE IT FURTHER RESOLVED that the Town Manager is hereby authorized and directed to execute and deliver any and all documents necessary to carry out such extension in accordance with this Resolution.

PASSED, APPROVED AND ADOPTED this 2nd day of March 2016, by the following vote:

AYES:	COUNCILMEMBERS FOPPOLI, OKREPKE, SALMON, VICE MAYOR FUDGE, AND MAYOR MILLAN
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE



MARK MILLAN, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK