

RethinkWaste.org

South Bayside Waste Management Authority



Mark Weiss, City Manager
City of San Carlos
600 Elm Street
San Carlos, CA 94070

Member Agencies:

Town of Atherton

City of Belmont

City of Burlingame

City of Foster City

Town of Hillsborough

City of East Palo Alto

City of Menlo Park

City of Redwood City

City of San Carlos

City of San Mateo

County of San Mateo

West Bay Sanitary District

December 20, 2005

Subject: Questions About SBWMA & Proposed Amendments to Joint Powers Authority Document

Dear Mark:

I have received a couple of inquiries in the last two weeks from agencies belonging to the South Bayside Waste Management Authority (SBWMA) regarding an email from a City of Belmont Council Member regarding the proposed amendments to the SBWMA Joint Powers Agreement (see copy attached). After reviewing the message, I see that it has some comments and questions that should be addressed. So let me take this opportunity to provide some information on these items.

1. Withdrawal from the SBWMA Joint Powers Authority

Section 15.1 of the SBWMA Joint Powers Authority (JPA) includes a provision for withdrawal from the JPA. This provision includes a specific time period (6 months prior to the end of the rate year), a voting requirement (4/5 of the equity member agencies) and the liquidation of the member agency's share of debts, liabilities, etc.

During the discussion at the SBWMA Board of Directors meetings on amending the JPA document, no one (to my knowledge) raised the question of amending this section of the agreement. However, if it is something member agencies want to explore changing, that can certainly be discussed at a future meeting of the board.

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Transforming the Way We Think about Trash

On the question of the withdrawal period from the SBWMA Joint Powers Authority being longer than 30 days and hence too long, my experience has been that the withdrawal period from a JPA in this County tends to vary by organization. For example, the Joint Powers Authority document that created the South County Fire Authority has an 18 month waiting period before such a withdrawal notice is effective. In that light, the current SBWMA JPA provision does not seem unreasonably long.

I would also note that if any of the member agencies in the SBWMA wish to file a request to withdraw from the organization, we will certainly bring such a written request to the Board once it has been filed and start that process as defined under the JPA agreement in effect at the time the request has been received.

2. Membership on the SBWMA Board of Directors

The membership of the SBWMA Board of Directors JPA has been comprised of agency staff members since the group was created in the late 1980s. Since many of the issues that come before the SBWMA tend to be of a technical nature, this structure has served the organization well over the years. And that is reflective of other JPAs in the County and the area where some have Boards made up of staff members and others have Boards made up of elected officials.

The matter of changing the Board to a mixture of elected officials and staff members or elected officials only or creating an Executive Committee which met once or twice a year was discussed earlier this year with the City and County Managers group.

After discussing the pros and cons of the various options noted above (mixed board, elected board, executive committee of City Managers or elected officials), they noted that the SBWMA has been a very effective JPA and decided to leave the SBWMA Board Membership the way it has been since the organization's inception. That is why the proposed JPA Amendments now under consideration by the 12 agencies of the SBWMA do not include a change in this area.

3. Executive Director Salary & SBWMA Financial Services

There has also been a question raised about the salary of the incoming Executive Director of the SBWMA and a comment about an SBWMA Finance Director. The position of Executive Director has been discussed by the SBWMA Board and a salary range of \$150,000 - \$174,000 was unanimously approved by the agency members earlier this year.

This is considerably less than the figure that was circulated in the attached memo.

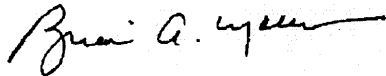
As an update, I can tell you that we continue to work on the process of hiring the organization's first Executive Director. I am hopeful that we will be able to make an announcement about that process sometime in January

In terms of the comment about an SBWMA Finance Director, there are no plans to hire such a position. Financial Services have been and continue to be provided by a contract between the SBWMA and the City of San Carlos Finance Department. The proposed JPA amendments are meant to clarify that the SBWMA pays for these services.

In closing, I want to thank your agency for its continued support of the SBWMA. Over the years we have achieved many things and are now the owners of both the agency's Garbage Transfer Station and Recyclery. This, plus our 15 year agreement for low garbage rates at the Ox Mountain site, puts us in excellent position as we begin work on a Request for Proposal (RFP) for Garbage Collection and Recycling Services. I look forward to working with the staff, member agencies and soon the Executive Director of the SBWMA on that process.

As always, feel free to contact me if you have questions or comments on these matters or others as we move forward.

Sincerely Yours,



Brian Moura
Chairman
SBWMA Board of Directors

Cc: SBWMA Board of Directors

Email from Council Member Coralin Feierbach, City of Belmont

From: Coralin Feierbach [mailto:c.feierbach@comcast.net]

Subject: SBWMA concerns

I wanted you and others on your city council to know that the Belmont City Council voted against the SBWMA contract (you know the JPA governing garbage and re-cycling)

We voted against it for various reasons:

1. The old contract specifies that it takes 4 out of 5 members who sit at the table of SBWMA to satisfy a request of a city that wants to be removed from the JPA. The new contract does not change that. Most JPA's specify that if a city wants to be removed from a JPA it gives 30 days notice and pays any outstanding bonds.

2. We also feel that if a council member wants to be on the JPA board, they should be able to be on the board, thereby replacing their city's staff member. The current contract, in fact, prohibits council members from being at the JPA table.

3. We are also concerned with the money it is going to take to hire a Finance Director for the JPA. The new Executive director will be receiving a salary as high as \$235,000/year.

Anyway, Dave Warden had written to each city but most cities did not either respond or responded in a negative way with respect to having an elected official be one of the members at the table. We wonder why that is. Why would a city want to prevent its elected officials from actively participating at the JPA table instead of having one of its staff members do it exclusively? Most JPA's have elected city officials on their boards, not staff members.

Because city elected officials have not actively participated in the past, much has happened that should not have happened. One city alone had been in control of SBWMA with its attorney, finance person and chair from the same city. This last contract has been an attempt to correct some of the problems but #1 and #2 concerned 5 out of the 5 council members in Belmont – that is why we voted no.

If you are interested in talking about this give me a call at 593-3550. If not, you might want to ask, before you vote for the contract, why couldn't one of the elected officials of any city belonging to the SBWMA JPA be allowed to sit at the table?

Take care,
Coralin