



Agenda Date: 4/4/2013
Agenda Placement: 6G

**NAPA-VALLEJO WASTE
MANAGEMENT AUTHORITY**

**Napa-Vallejo Waste Management Authority
Board Agenda Letter**

TO: Board of Directors
FROM: Luthy, Richard - Executive Director
Napa-Vallejo Waste Management Authority
REPORT BY: Richard Luthy, Executive Director, Napa-Vallejo Waste Management - 707-299-1314
SUBJECT: Determination of Members' Calendar Year 2012 Waste Quantities

RECOMMENDATION

DETERMINATION OF MEMBERS' CALENDAR YEAR'S WASTE QUANTITIES

REQUESTED ACTION: Approval of the Determination of the Members' Calendar Year Waste Quantities used to set the next Fiscal Year's weighted voting, as set forth in Section 8.3(c) of the Authority's Joint Powers Formation Agreement (No. 3352). The member jurisdiction's percentage of input to the Devlin Road Transfer Station (DRTS) for Calendar Year 2012 were as follows: City of Vallejo 48%, City of Napa 32%, City of American Canyon 8%, and County of Napa 12%.

EXECUTIVE SUMMARY

Based on the requirements contained in Sections 8.3(c) and 8.5 of Agreement 3352 (Joint Exercise of Powers Agreement), the following voting percentages for Calendar Year 2012 have been determined:

- City of Vallejo 48%
- City of Napa 32%
- City of American Canyon 8%
- County of Napa 12%

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Based on the requirements contained in Sections 8.3(c) and 8.5 of Agreement 3352 (Joint Exercise of Powers Agreement), the following voting percentages for Calendar Year 2012 have been determined:

The Authority's Joint Powers Formation Agreement Section 8.3(c), states, "A majority vote of all of the Directors representing two thirds of the waste entering the Authority's Solid Waste facilities during the prior calendar year, as defined in Section 8.5, shall be necessary in order to approve any of the following:

- i. the construction budget for the Transfer Facility
- ii. the annual operating budget of the Authority in excess of debt service on Revenue Bonds and the payment to the transfer station operator;
- iii. the issuance, execution or delivery of Revenue Bonds;
- iv. any change in a budget exceeding 10% of the total amount of that budget;
- v. any amendment to or the termination of this Agreement;
- vi. voting rules regarding the approval of contracts between the Authority and any one of more Members (it being understood that all such contracts must be approved pursuant to rules adopted in this manner); and
- vii. the admission of an additional member or a substitute member including by means of assignment.

Section 8.5 Determination of Members' Calendar Year's Waste Quantities. "As part of the fiscal year budget setting process, the determination of the Members' prior calendar years' waste quantities shall be made and approved by the Authority's Board of Directors. The recorded waste tonnage quantities delivered to the Authority's Facilities from each of the Members' franchised solid waste collection companies for the prior calendar year of January 1 to December 31 shall be used to set the next Fiscal Year's weighted voting as described in Section 8.3(c)."

Based on the requirements contained in Sections 8.3(c) and 8.5 of Agreement 3352 (Joint Exercise of Powers Agreement), the following voting percentages were derived from the 2012 tonnage for Calendar Year 2012 and are as follows: City of Vallejo 48%; City of Napa 32%; City of American Canyon 8% and the County of Napa 12%.

The attached table expresses in detail the 2012 calendar year's waste tonnage delivered by the four members' franchisees and also includes data from three (3) prior calendar years for historical reference.

SUPPORTING DOCUMENTS

A . CY 2012 Voting Tons

Executive Director: Approve

Reviewed By: Martha Burdick