

Solid Waste Authority of Broward County

Task 17: Financial Framework White Paper

Broward County Solid Waste and Recyclable Materials
Processing Authority
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Table 1 Materials Processing Fee Range

Appendix

Appendix A Alameda County Source Reduction and Recycling Board - Resolution #R94-27
 Alameda County Waste Reduction and Recycling Initiative Charter Amendment -
 Section 64: Waste Reduction and Recycling
 The Board of Alameda County Waste Management Authority Ordinance 2009-01

1.0 INTRODUCTION

As regional collaboration to manage solid waste generated in Broward County is achieved through the establishment of the Solid Waste and Recyclable Materials Processing Authority (Authority), an important next step is identifying sustainable and equitable funding mechanisms to support the Authority's operations and long-term planning. Unlike traditional solid waste entities, the Authority does not currently own or operate waste management facilities. Instead, it serves as a coordinating body for the following members:

- Broward County (Unincorporated)
- Coconut Creek
- Cooper City
- Coral Springs
- Dania Beach
- Davie
- Deerfield Beach
- Fort Lauderdale
- Hillsboro Beach
- Hollywood
- Lauderdale Lakes
- Lauderdale-by-the-Sea
- Lauderhill
- Lazy Lake
- Lighthouse Point
- Margate
- Miramar
- North Lauderdale
- Oakland Park
- Parkland
- Pembroke Park
- Plantation
- Sea Ranch Lakes
- Southwest Ranches
- Sunrise
- Tamarac
- West Park
- Weston
- Wilton Manors

The Authority, through the implementation of its Solid Waste and Recycling Master Plan, aims to decrease waste generation, improve recycling rates, reduce landfill dependency, and plan for future infrastructure needs for its member entities. To fulfill this mission, the Authority needs to establish reliable revenue streams that align with Florida law, reflect best practices, and promote fairness across diverse communities.

Two primary funding mechanisms under consideration are tipping/processing fee surcharges and non-ad valorem special assessments. Both tools are widely used by local governments in Florida to fund public services and infrastructure. Each offers distinct advantages in terms of transparency, equity, and administrative feasibility. SCS explored the statutory basis, implementation methods, and best practices for each approach, based on case studies from other Florida municipalities to inform funding strategies for the Authority.

1.1 OBJECTIVE

The objective of this White Paper is to supplement the Master Plan, which was submitted to the Authority on August 3, 2025, to address the following requirement in Article 7 of the Interlocal Agreement for Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County, Florida (ILA):

- Describes, among other things, the operations of the Authority in sufficient detail to fund and implement the System and any related facilities or programs and to allow the Authority to plan for financing, investments, and improvements related to the System.
- Identifies the revenues necessary to operate the Authority, including the amount of, and methodology to calculate, reserve funds needed to cover any and all applicable costs for closure, long-term care, perpetual maintenance, and potential remediation related to the System and its components.

2.0 CONSIDERATION

It is critically important to note that flow control to secure the waste stream remains outstanding, which is necessary to develop and issue solicitations to process waste stream components (e.g., recyclable materials, yard trash, food waste, construction and demolition debris, landfilling). Accordingly, this White Paper presents the following elements:

- Identify and evaluate viable funding mechanisms for supporting the operations and planning efforts for the Authority;
- Explain the statutory framework, implementation methods, and best practices for each funding option; and
- Provide guidance on how these mechanisms can be structured to promote long-term financial sustainability and fair cost distribution among participating municipalities.

The following funding approaches are considered in this White Paper:

- Tipping/Processing Fee Surcharge; and
- Non-Ad Valorem Special Assessments.

These two funding approaches were considered to address two distinct phases of the Authority. Initially, it is not contemplated that the Authority will own assets; rather it will contract for services, which favors a tipping/processing fee surcharge. However, over time it can be reasonably foreseen that the authority will own assets, which favors a non-ad valorem special assessment.

3.0 FINANCIAL SUSTAINABILITY

The financial framework underpinning the Authority is still in its formative stages. Currently, the Authority does not have active revenue streams or large operating expenses, as operational and administrative functions are in the planning phase and the only current employee is the Executive Director. However, the expenses will evolve significantly as the Authority transitions from planning to implementation.

The Authority will eventually assume responsibility for regional waste management services, including education and outreach, diversion initiatives, and waste transfer logistics. These services may require substantial investment in outreach materials, staffing, and contractual arrangements. Initial expenditures upon completion of the Master Plan will likely include administrative setup costs for Authority branding and communications, outreach to residents and businesses, legal and consulting fees, and early-stage capital planning. As operations scale, recurring costs such as facility maintenance, equipment procurement, and service delivery will become central to the Authority's budget.

On the revenue side, the Authority may consider a tipping fee surcharge and residential assessments to generate revenues. These mechanisms will be designed to ensure cost recovery, promote financial sustainability, and support long-term capital improvements. These will be discussed in subsequent sections.

Therefore, establishing a predictable and transparent methodology for financial projection and evaluation will be beneficial to the Authority's success.

3.1 LONG-TERM FINANCIAL PROJECTION

The Authority should regularly perform revenue sufficiency analysis (RSA) to evaluate its ongoing financial health. An RSA is a comprehensive evaluation used by entities to determine whether their current and projected revenues remain adequate to meet all financial obligations when considered over a long-term projection period. These obligations include operating costs, large capital expenditures as well as routine renewal and replacements, debt payments, and other financial commitments.

The revenue analysis involves evaluating projecting future revenues based on existing (or anticipated) rates/fees/surcharges, customer behavior, disposal/diversion trends, and anticipated system growth. Simultaneously, the expense analysis involves a thorough review of costs, which includes operating expenses such as labor, materials, and maintenance. It also considers longer-term financial needs, such as capital improvement projects, infrastructure investments, debt service costs, and reserve requirements.

Financial gaps may represent revenue shortfalls that could impede operations, or funding surpluses that might allow for system investment or program expansion. To enhance the analysis, the Authority can perform scenario analysis, or a "what-if" assessment, which examines the potential impact of changes in various external and internal factors. For example, changes in demand, economic conditions, or regulatory requirements can significantly influence both revenues and expenses. This what-if analysis helps test financial sensitivity to the unknown, allowing you to be prepared to respond effectively.

The RSA typically concludes with developing solutions for addressing identified gaps. These might include strategies such as a long-term plan for adjusting rates, implementing revenue diversification or optimization solutions, or exploring alternative funding sources for capital. Regular RSA updates will help the Authority maintain financial stability by proactively addressing potential shortfalls before they become critical issues. Additionally, the process provides a data-driven, transparent foundation for decision-making. For stakeholders and the public, the analysis demonstrates fiscal responsibility and a commitment to long-term sustainability.

The following subsections describe the data that will be used in the analysis,

3.1.1 Fund Balances

Beginning fund balances from Authority financials from the most recent fiscal year will be used. This represents the available funds that can be used for operations and capital outlay.

The trial balance itself lists the ending balances of all general ledger accounts at a specific point in time. Available cash can be determined from a trial balance by reviewing the cash-related accounts and then adjusting for any restrictions or encumbrances.

To determine the amount of cash that is actually available for operations, you would begin with the total of all cash accounts shown on the trial balance. From there, you would subtract amounts that are legally restricted, such as bond proceeds designated for capital projects or internally or externally imposed reserves.

The RSA would also account for timing differences, including outstanding checks, deposits in transit, or other reconciling items that will appear once the trial balance is tied to the bank reconciliation. The remaining balance after making these adjustments represents the portion of cash that can be applied to current operating expenses, debt service, or discretionary capital outlay.

3.1.2 Rate Revenues

The projection of rate revenues provides the foundation for assessing the Authority's long-term financial sufficiency. Because the Authority is newly established, it will need to determine the types of revenues available to it. These revenue streams, along with use cases and advantages/disadvantages, are discussed later in this section.

To prepare a revenue projection, historical disposal tonnage for the County will be reviewed and adjusted to reflect expected conditions under the master plan and then forecasted forward over the planning horizon (See Section 3.1.7.1 Population & Tonnage Growth).

3.1.2.1 Tipping/Processing Fee Surcharge

The primary revenue mechanism the Authority has available to it in the near term is a tipping/processing fee surcharge. A landfill tipping/processing fee surcharge is a targeted funding mechanism that adds a fixed or variable cost per ton to the base disposal rate at landfills, transfer stations, recycling facilities, or other solid waste management facilities. This surcharge is designed to generate revenue for broader solid waste system needs such as regional planning, recycling initiatives, future infrastructure development, or emergency preparedness.

The surcharge is typically collected at the gate by facility operators and remitted to the Authority. The rate is calculated by dividing a portion of the Authority's annual revenue requirement by the total tons of waste expected to be disposed of across participating facilities, as illustrated by the below example calculation.

$$\frac{\$1,000,000}{4,250,000 \text{ tons}} \approx \$0.235 \text{ per ton}$$

However, a tipping fee can also incentivize waste reduction and recycling if the surcharge is structured to vary by waste type (e.g., higher for municipal solid waste, lower for recyclables).

Tipping or processing fee surcharges offer both advantages and limitations as a funding mechanism for the Authority. Understanding these strengths and weaknesses is critical to assessing the long-term reliability and equity of surcharge-based revenues. For reference, the following legislative resources are presented in Appendix A for consideration:

- Alameda County Source Reduction and Recycling Board - Resolution #R94-27
- Alameda County Waste Reduction and Recycling Initiative Charter Amendment - Section 64: Waste Reduction and Recycling
- The Board of Alameda County Waste Management Authority Ordinance 2009-01

The approach used by Alameda County was selected for reference as their structure is comparable to the Authority and thus serves as one approach the Authority should consider. It should be noted, however, that the applicability of these resources to the Authority requires legal review for applicability and sufficiency.

Tipping/Processing Fee Surcharge Advantages

One of the primary advantages of a tipping or processing fee surcharge is its alignment with the principle of usage-based funding. Because the surcharge is assessed on a per-ton basis, those who generate more waste contribute proportionately more to the cost of the system. This approach promotes fairness and accountability, particularly among commercial haulers and large generators. The surcharge also provides flexibility, as revenues can be directed to support operating expenses, build reserves for future capital projects, or address emergency needs. Rates can be adjusted in response to operational requirements, making the mechanism highly scalable and adaptable to changing conditions.

In addition, surcharges can be designed to reinforce system objectives. By setting lower processing fee surcharges for recyclables compared to municipal solid waste (MSW), the Authority creates a financial incentive for waste diversion and recycling. From an administrative standpoint, the surcharge is relatively simple to implement, since it is collected at the gate by facility operators and does not require the Authority to develop a parcel-level billing infrastructure.

Tipping/Processing Fee Surcharge Disadvantages

Despite these advantages, surcharge-based funding has several limitations. Because surcharges are collected at the point of disposal, haulers typically pass the cost through to their customers, which can obscure the true source and purpose of the charge. This lack of transparency may reduce public understanding and acceptance of the funding mechanism. The approach also relies heavily on accurate and timely tonnage reporting from disposal and processing facilities, which can present administrative challenges in a regional system.

From a financial stability perspective, the surcharge may not be well-suited to cover fixed costs or baseline operations that do not fluctuate with disposal volumes. Revenues are inherently tied to waste generation and can therefore vary with economic conditions, seasonal changes, or the success of diversion programs. While this variability encourages waste reduction, it also creates the risk that revenues may fall below projections, potentially requiring rate adjustments or supplemental funding. Finally, there is a risk of unintended consequences, such as increased illegal dumping, which can undermine program goals and increase enforcement costs.

3.1.2.2 Non-Ad Valorem Special Assessments

In Florida, special non-ad valorem assessments are governed primarily by Chapters 197 and 170 of the Florida Statutes. These assessments are levied by local governments to fund specific services or improvements that provide a direct and identifiable benefit to particular parcels of property. Unlike ad valorem taxes, which are based on the value of property, non-ad valorem assessments are allocated according to the benefit received by each parcel, regardless of its market value.

Chapter 197.3632, Florida Statutes, outlines the uniform method for the levy, collection, and enforcement of non-ad valorem assessments. This statute enables counties, municipalities, and special districts to include such assessments on the annual property tax bill. To use this method, the local government must comply with several procedural steps. These include adopting a resolution of

intent, publishing public notices, conducting a public hearing, and entering into agreements with the county property appraiser and tax collector. The statute also requires the adoption of an annual assessment roll and certification of the roll to the tax collector by a specified deadline.

Chapter 170.01 provides municipalities with supplemental authority to impose special assessments for capital improvements such as paving, drainage, street lighting, and sidewalks. Under this statute, municipalities must determine that the improvements confer a special benefit on the assessed property and that the cost of the improvements is fairly apportioned among the benefited parcels. The method of apportionment must be reasonable, and it may be based on various factors such as front footage, lot size, or another equitable basis.

Florida courts have consistently held that in order for a special assessment to be legally valid, it must meet two constitutional tests.

- First, the improvement or service funded by the assessment must provide a **special benefit** to the assessed property beyond the benefit enjoyed by the community at large.
- Second, the assessment must be **fairly and reasonably apportioned** among the properties receiving that benefit.

These principles were affirmed in *Lake County v. Water Oak Management Corp.* and *City of North Lauderdale v. SMM Properties*, where the Florida Supreme Court emphasized the necessity of demonstrating a logical relationship between the services funded and the benefit received.

In *City of Boca Raton v. State of Florida*, 595 So. 2d 25 (Fla. 1992), Florida Supreme Court explicitly stated that the determination of the apportionment of benefits is a legislative function, meaning that it is within the discretion of the local governing body, not the judiciary, to decide how benefits from a service or improvement are allocated among properties.

The Court went on to say that if reasonable people could differ as to whether a particular parcel was specially benefitted by the improvement, the courts must defer to the findings of the local government. This principle gives wide latitude to municipal decision-making in the design and implementation of special assessments, provided that the local government's determination is not arbitrary or unsupported by evidence.

Procedurally, local governments must give property owners adequate notice and an opportunity to be heard. For assessments collected on the property tax bill, the local government must provide individual mailed notices at least 20 days before the public hearing, clearly identifying the purpose, amount, and apportionment method of the assessment. Failure to comply with these procedural safeguards can render the assessment invalid.

In practice, Florida local governments commonly use non-ad valorem assessments to fund services such as fire protection, solid waste collection, stormwater management, and road maintenance. These assessments are particularly attractive because they offer a revenue source that is not tied to property values and can be structured so that the cost of service is borne by those who directly benefit.

Determination of Special Benefit

All developed and developable parcels within the Authority's jurisdiction benefit from regional solid waste planning, coordination, and future infrastructure development. These benefits include:

- Access to a coordinated regional waste management system.
- Enhanced long-term disposal capacity and recycling infrastructure.
- Improved environmental outcomes and regulatory compliance.
- Predictable and equitable service planning across municipalities.

These benefits are system-wide and not tied to individual service contracts. Therefore, they are considered to provide a special benefit to all participating properties.

Fair and Reasonable Apportionment of Costs

To have fair cost distribution, the Authority may adopt an apportionment methodology based on:

- **Equivalent Assessment Units (EAUs):** Assigning units based on property type, size, or use (e.g., single-family dwelling unit = 1 EAU, multifamily dwelling unit = 0.75 EAU; or 500 sq ft of developed space = 1 EAU).
- **Waste Generation Factors:** Estimating waste generation for each parcel based on pounds of waste generated per square foot per year by property use.
- **Tiered Assessments Based on Benefit:** Differentiating between parcels based on the level of benefit received.
- **Flat Rate per Parcel:** For uniform services, a flat per-parcel rate may be appropriate.

The selected methodology should reflect the proportional benefit received and be supported by data such as population, waste generation, or land use.

For each of the methodologies described below, it is assumed that Broward County contains a total of 786,000 parcels, with a combined 3 billion square feet of developed space and a waste generation of about 4,250,000 tons, or 8,500,000,000 pounds per year. These numbers are placeholders based on limited information and assumptions and are only being used for the purposes of calculation demonstration below. The sample calculations are based on generating \$1,000,000 in revenue. It is important to note that these calculations are intended solely to demonstrate the methodologies and will scale according to the Authority's actual budget. The final budget will depend on whether the Authority chooses to build and operate its own facilities or contract for various disposal services.

Equivalent Assessment Units (EAUs) & Waste Generation Factors

For residential properties, the Authority may consider billing by the dwelling unit since the same level of service will be provided to all residents in the Authority. Commercial properties may be billed based on property use and size of the property, as business waste generation can vary widely. For example, a small accounting firm will not generate the same amount of waste as a large grocery store. Residential properties could also be billed this way, particularly if there tends to be a great disparity between property sizes in Broward County.

Dividing the revenue requirement by total waste generation results in a rate per pound.

$$\frac{\$1,000,000}{8,500,000,000 \text{ pounds}} \approx \$0.000118 \text{ per pound}$$

To simplify the administration of this methodology, the Authority may group property uses into waste generation categories based on pounds of waste generated per square foot per year. The groups might look like the groupings below:

- Low (L) 0-2 lbs/sf/yr
- Medium Low (ML) 2-4 lbs/sf/yr
- Medium (M) 4-6 lbs/sf/yr
- Medium High (MH) 6-8 lbs/sf/yr
- High (H) Greater than 8 lbs/sf/yr

Then, based on assumed waste generation per square foot per year and the rate per pound, a rate could be calculated for each parcel.

Tiered Assessments Based on Benefit

In a tiered assessment, parcels are billed according to the level of benefit they receive from the Authority. As a sample methodology, a two-tier structure could be used to charge both developed and undeveloped parcels. Tier 1 parcels would be assumed to receive foundational, system-wide benefits such as regional planning and infrastructure coordination. Tier 1 benefits apply universally to all parcels, regardless of the development status. Tier 2 would apply per square foot to developed parcels, which are assumed to receive more benefits due to their development. These parcels benefit more directly from operational services, infrastructure utilization, and waste programs. The benefit-based structure may promote equitable funding distribution, with higher assessment applied to parcels that derive greater value from the Authority's services.

While there may be different approaches, one methodology would be to allocate the revenue requirement between the tiers based on total operational costs. If Tier 1 costs are approximately 40% of the budget, we would apply 40% of the revenue requirement to Tier 1 parcels and 60% to Tier 2 parcels.

Tier 1 Revenue Requirement: 40% → \$400,000

Tier 2 Revenue Requirement: 60% → \$600,000

The assessment calculation would look like the following:

Tier 1 (All Parcels)

$$\frac{\$400,000}{786,000 \text{ parcels}} \approx \$0.51 \text{ (rounded) per parcel}$$

Each parcel pays \$0.51 for foundational benefits. In addition to this, the Tier 2 charge would be applied to developed parcels only.

Tier 2 (Developed Parcels Only)

$$\frac{\$600,000}{3,000,000 \text{ sq ft}} \approx \$0.0002 \text{ per sq ft}$$

Tier 2 parcels would pay the Tier 1 per parcel charge plus the Tier 2 per square foot of developed space Tier 2 charge.

Flat Rate per Parcel

The flat rate per parcel methodology applies to all parcels within the jurisdiction, regardless of property type, size, or usage. This approach is straightforward to administer and promotes

transparency and predictability in revenue generation. It is particularly effective when the benefits of the service are broadly distributed and not tied to individual parcel characteristics. While this method promotes simplicity and administrative efficiency, it may not reflect variations in benefit or demand across different parcel styles and is unlikely to be a methodology the Authority would consider.

Based on the assumptions, the flat rate per parcel would be:

$$\frac{\$1,000,000}{786,000 \text{ parcels}} \approx \$1.27 \text{ per parcel}$$

3.1.2.3 Use Case Differentiation for Funding Mechanisms

Each funding mechanism considered by the Authority serves a purpose and is best suited for specific types of expenses.

Non-ad valorem special assessments, whether structured as a flat rate, tiered, or based on waste generation, are commonly levied on parcels in Florida. Because assessments are tied to parcel ownership and the benefit received, they provide a stable and predictable revenue stream for essential services. While assessments can be used to fund the entire operation of the Authority, they are well-suited to funding large debt-funded capital investments.

Tipping/processing fee surcharges are collected at the point of disposal and are based on the amount of waste delivered to landfills, transfer stations, or recycling facilities. This method is ideal for funding variable costs and initiatives that scale with waste volume. Examples include emergency response reserves, saving for landfill capacity expansion, and pilot projects. Tipping/processing fee surcharges also encourage waste reduction and recycling by making disposal more costly for high-volume generators.

3.1.3 Other Revenues

While tipping and processing fee surcharges will represent the Authority's primary source of rate revenues, there are other categories of revenues that can support its financial position over time. Operating revenues are those directly related to the delivery of solid waste services. For a new Authority, these may include service fees from contracts or interlocal agreements with municipalities and haulers, host fees collected from private operators for the right to operate facilities within the jurisdiction, or administrative fees associated with permitting, inspection, or compliance activities.

In some cases, Authorities also receive revenues from the sale of recyclables or recovered materials, although these tend to fluctuate with market conditions and may represent only a modest share of total income. Even if the Authority does not own or operate a materials recovery facility (MRF), it is still possible for it to receive revenues from recyclables or recovered materials, depending on how responsibilities are structured in contracts and interlocal agreements.

For example, some Authorities negotiate host fees or revenue-sharing agreements with private MRF operators, under which a portion of the proceeds from the sale of recyclables is remitted back to the Authority. Similarly, if the Authority facilitates contracts for recyclables processing on behalf of its member municipalities, it may structure those agreements so that market revenues are shared between the operator, the municipality, and the Authority. In other cases, the Authority may act as a broker or aggregator, securing higher-value contracts by combining tonnage from multiple jurisdictions and then distributing a share of the revenues back to participants.

In addition to operating revenues, the Authority may also generate non-operating revenues, which are not directly tied to the delivery of services but nevertheless provide important financial support. Non-operating revenues can include investment income on reserves and fund balances, grant revenues from federal, state, or regional programs, and one-time contributions such as settlement proceeds or developer impact fees. While these revenues are generally not as predictable or stable as surcharges or assessments, they can play a vital role in supplementing the operating revenue stream, reducing the pressure on rates, and funding special projects or initiatives.

As these other revenues are often irregular and not a primary source for operations, they can be difficult to project. They can, however, have a role in the overall financial dynamics of the Authority and remain an important factor in the analysis.

3.1.4 Operating Expenditures

Operating expenditures represent the recurring costs required to carry out the Authority's day-to-day responsibilities and maintain its financial and administrative functions. Unlike capital outlays, which are typically one-time or long-term investments in facilities and equipment, operating expenditures reflect the annual costs of running the organization.

For the newly established Authority, operating expenditures will primarily consist of administrative and contractual expenses. These include staff salaries and benefits, professional services, office facilities and equipment, insurance, and general administrative overhead. In addition, the Authority will incur costs related to system oversight and coordination, such as contract administration with disposal and processing facilities, waste flow monitoring, data collection and reporting, public education and outreach, and regulatory compliance activities.

Because the Authority will not immediately own or operate facilities directly, its operating expenditures will be relatively lean compared to a vertically integrated system. However, they remain critical to ensuring proper oversight, accountability, and effective implementation of regional solid waste policies. Over time, as the Authority's role expands, operating expenditures may also include facility operations, specialized planning initiatives, grant management, or cooperative programs that enhance waste diversion and recycling efforts.

Careful projection and monitoring of operating expenditures is essential to determining revenue sufficiency.

Rightfully, there is interest in knowing the cost to participate in the Authority's solid waste system regardless of the funding mechanism. While it is premature to have exact costs at this point, we do know that clarity will be achieved through securing flow control for the ILA Communities and having a better sense of the tonnage by waste stream component that can be committed for beneficial use and disposal. The following sections identify costs estimates for developing and deploying a robust education and outreach program and processing fees by material type.

3.1.4.1 Outreach & Education

Outreach and education will be a critical early initiative for the Authority, as building public awareness and engaging stakeholders are essential to the success of a regional solid waste system. In the initial years of implementation, higher levels of investment will be required to establish communication channels, increase recognition of the Authority's role, and promote waste reduction, recycling, and proper disposal practices among residents and businesses.

Based on anticipated program needs and the Authority's communication plan, outreach and education expenditures are projected to cost up to \$10.00 per household per year in the first year of operation. Over time, these costs are expected to decline as programs become more established, efficiencies are achieved, and the need for intensive start-up messaging diminishes. Even so, the Authority will continue to have recurring communication needs, and it is expected that these expenditures will stabilize at a minimum of \$1.00 per household per year. This level reflects the ongoing costs of maintaining baseline educational materials, issuing periodic updates, and conducting public information campaigns.

In the revenue sufficiency analysis, these expenditures will be modeled as a gradually tapering cost line item, declining from the initial start-up level and ultimately stabilizing at the long-term steady-state cost. This approach ensures that the financial plan realistically accounts for both the initial investment required to launch a successful outreach program and the continuing resources necessary to sustain engagement and compliance over time.

3.1.4.2 Materials Processing Fees

Table 1 presents a materials processing cost range for in-County and regional facilities that can be considered as the Authority explores its materials management options. It should be noted that the costs reflected below exclude costs associated with collection and transportation.

Table 1. Materials Processing Fee Range

Material Type	Estimated Cost Range (per ton)	
	LOW	HIGH
Recyclable Materials Processing ¹	\$150.00	\$180.00
Yard Trash Processing	\$65.00	\$90.00
Construction and Demolition Debris	\$65.00	\$110.00
Solid Waste Disposal (Class I Waste ²)	\$85.00	\$120.00
Solid Waste Disposal (Class III Waste ³)	\$60.00	\$110.00

NOTES:

1. Does not reflect a cost offset based on the Average Market Value of the recyclable materials sold to market.
2. "Class I waste" means solid waste that is not hazardous waste, and that is not prohibited from disposal in a lined landfill under rule 62-701.300, F.A.C.
3. "Class III waste" means yard trash, construction and demolition debris, processed tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, or other materials approved by the Department, that are not expected to produce leachate that poses a threat to public health or the environment.

These costs ranges can be used for planning purposes, and greater clarity can be gained by developing and issuing solicitations for materials processing and disposal.

3.1.5 Capital Improvement Program

The Authority may not immediately have capital outlay expenses in the budget, but if/when the Authority transitions toward facility ownership and operational involvement, a robust capital improvement program (CIP) will be essential to support long-term infrastructure needs. Costs may include projects such as:

- **Outreach Facilities:** community recycling centers

- **Transfer Station:** New sites
- **Regional Recycling Infrastructure:** construction of MRF
- **Data and Analytics Systems:** mass balance model integration
- **C&D Waste Infrastructure:** regional C&D sorting and recycling center

The construction of Authority-owned facilities such as a MRF could reduce reliance on private infrastructure and improve service equity across member communities. These investments also support long-term planning by ensuring that facility capacity aligns with projected growth.

3.1.6 Vehicle/Equipment Program

As the Authority assumes operational responsibilities, it will need to invest in vehicles and support equipment to carry out its functions effectively. A well-structured approach to fleet management will be important, as these assets often represent significant capital investment and play a central role in ensuring reliable service delivery.

To address both immediate needs and long-term sustainability, the Authority should develop a phased fleet acquisition plan that aligns vehicle purchases with the timing of program expansion and service requirements. This approach will allow the Authority to spread capital costs over several years, reducing financial pressure while ensuring that equipment capacity grows in step with operational demands.

In addition, a replacement plan based on useful life should be established to ensure timely renewal of vehicles and equipment before performance or reliability issues affect service. This plan will set replacement cycles according to industry standards and actual experience, balancing the high upfront cost of new equipment against the escalating maintenance and downtime costs of aging assets. Incorporating these replacement costs into long-term financial projections will help the Authority maintain service quality, minimize lifecycle costs, and ensure that cash reserves and revenue streams are sufficient to support ongoing fleet needs.

3.1.7 Assumptions

The following subsections describe the assumptions that are considered in the RSA.

3.1.7.1 Population & Tonnage Growth

Annual growth factors in parcels and waste tonnage will be incorporated into the Authority's revenue projections to reflect the anticipated increase in demand for services and the corresponding impact on revenues. These factors account for changes in population, development activity, and waste generation patterns across the county. Incorporating these growth factors in the RSA captures the dynamic nature of the service area and economic trends.

The process to project system growth includes several steps, which are described below:

Gather Data

The projection begins with current, verifiable data. For parcel-based revenues, this means identifying items such as the number of parcels, dwelling units, and developed square footage in the County. For tonnage-based revenues, it requires accurate records of solid waste disposed or processed,

typically reported by haulers or facilities. This base year forms the starting point for all future calculations.

Estimate Growth

Growth factors are applied to the base year to forecast increases in users or tonnage over the planning horizon.

Tonnage

Tonnage growth may be informed by historic disposal trends, economic indicators, and per-capita waste generation rates. Historic disposal trends provide an important baseline, reflecting how waste volumes have responded to past changes in population, economic conditions, and recycling initiatives. Broader economic indicators such as construction starts also influence waste generation, particularly for the commercial and construction and demolition (C&D) sectors. In addition, per-capita waste generation rates help align tonnage projections with demographic growth.

The Authority is supported by the findings of its recently completed waste generation study, which provides detailed data on waste composition and waste generation rates across the service area. These benchmarks can be applied to population forecasts and parcel growth estimates to project total system tonnage. Adjustments can be incorporated to reflect anticipated impacts of diversion programs, policy changes, or shifts in economic activity.

Population

Population growth is a key driver of future service demand and revenue for the Authority. To ensure that projections are consistent with accepted state and local planning practices, the Authority will likely rely on county-level population forecasts prepared by the Bureau of Economic and Business Research (BEBR) at the University of Florida. BEBR publishes annual estimates and long-range projections, including low, medium, and high series. For planning purposes, the Authority may want the medium series to serve as the baseline scenario, reflecting the most likely trajectory of population change based on demographic and economic trends. However, it may want to choose the low series as a more conservative estimate or use the high series in the near-term if there is substantial growth anticipated.

Sensitivity Analysis

To compare the growth rates, the Authority will need to conduct a sensitivity analysis using the BEBR low, medium, and high series or different tonnage assumptions to test the impacts of slower or faster growth on projected revenues. This approach ensures that the financial model accounts for uncertainty and provides a range of outcomes for decision-makers to consider. Population forecasts will be translated into household and parcel growth estimates using current household size ratios and development patterns, and then linked to per-capita waste generation rates derived from the Authority's waste generation study.

Importance of Growth Estimates

Growth rates, as discussed in Section 3.1.2 Rate Revenues, are used to project revenues from system growth. On the operating side, higher-than-expected growth may increase expenditures for contract oversight, data collection, reporting, and public outreach, while slower growth may provide opportunities to contain costs. Similarly, growth projections shape the size and frequency of education programs, administrative staffing needs, and reserve contributions.

For capital planning, growth estimates influence both the scale and timing of long-term investments. Faster growth may accelerate the need for transfer capacity or processing infrastructure, requiring higher contributions to reserves or earlier issuance of debt. Conversely, slower growth may defer the need for such investments, allowing the Authority to extend the useful life of existing assets or spread costs over a longer horizon.

3.1.7.2 Cost Escalation

Accurate financial forecasting requires assumptions about how costs will escalate over time. Beginning in the first projection year, an escalation factor is applied to each line item in the O&M expense budget and capital program based upon historical trends, industry experience, and available cost indices.

Because inflationary pressures affect different categories of expenditures in different ways, the Authority may wish to apply recognized cost indices to ensure the approach to cost projection remains consistent over time. Several indices are widely used in utility and municipal financial planning and provide externally validated benchmarks for adjusting future expenditures.

The Consumer Price Index (CPI), published by the U.S. Bureau of Labor Statistics, can be applied to general administrative and overhead costs. CPI provides a broad measure of inflation experienced by households and is suitable for expenses such as office operations, insurance, and professional services.

For industry-specific costs, the Garbage and Trash Collection CPI is especially relevant. This index tracks changes in prices for solid waste services and captures the inflationary pressures unique to the sector, including labor, equipment, regulatory compliance, and fuel. The Authority may apply this index to contracted collection, hauling, disposal, and processing services, as it better reflects the actual cost trends faced by the system.

Capital and infrastructure costs can be escalated using construction-related indices. The Engineering News-Record (ENR) Construction Cost Index provides a measure of construction material and labor cost escalation, while the Producer Price Index (PPI) for construction materials and transportation equipment can be used to escalate vehicle and equipment replacement costs. Together, these indices capture inflation dynamics affecting large capital projects, transfer stations, fleet investments, and other long-lived assets.

Finally, for certain cost categories that are highly sensitive to market volatility such as fuel for vehicle operations the Authority may apply specialized indices, such as the U.S. Energy Information Administration (EIA) fuel price indices, to reflect anticipated variability in diesel or gasoline costs.

3.1.8 Policies Affecting Cash Expenditures

Having identified all of the revenues and expenses relevant to financial projection

3.1.8.1 Reserves

In accordance with best practices, the Authority should establish a fund balance policy that ensures financial stability and resilience.

3.1.8.2 Working Capital

Working capital reserves are cash reserves set aside to ensure that a utility or government has enough liquidity to meet its short-term obligations and maintain smooth day-to-day operations. In practice, they represent the cushion between current assets such as cash, receivables, and short-term investments; and current liabilities like payables, accrued expenses, and short-term debt. GFOA recommends maintaining an unrestricted fund balance in a general fund equivalent to at least two months of regular operating revenues or expenditures. This reserve serves as a safeguard against revenue shortfalls, economic disruptions, and unforeseen emergencies.

Internally Designated Reserves

Other cash reserves, such as capital reserves or rate stabilization funds, may be used to cover temporary revenue shortfalls, emergencies, or unexpected cost increases without immediately raising rates or cutting services. Designated reserves can also be drawn down for items such as scheduled capital projects or to provide matching funds for grants.

Although these reserves are discretionary, their use should follow clear policies approved by the Authority's governing board. Doing so ensures that withdrawals are purposeful, transparent, and consistent with the utility's long-term financial strategy. Once used, many organizations also adopt replenishment policies, requiring that the reserves be rebuilt over a certain timeframe to maintain financial resilience.

As part of its financial framework, the Authority should define clear policies for the use, replenishment, and management of any internally designated reserves, including strategies for restoring reserves within a specified time period if drawn down.

Externally Imposed Reserves

Externally imposed reserves are fund balances or cash reserves that the Authority may be legally required to set aside because of restrictions placed on it by outside parties. These restrictions usually come from bond covenants, grant agreements, statutory requirements, or regulatory agencies. Unlike internally designated reserves, which a governing board can create or dissolve at its discretion, externally imposed reserves cannot be redirected for general operating purposes without violating the external requirement.

On the balance sheet, these externally imposed reserves typically appear as restricted cash or restricted net position/fund balance. In financial analysis, they are excluded from "available" reserves because they cannot be tapped for discretionary operations or capital projects. Instead, they represent a legally binding commitment that ensures creditors, regulators, or other external stakeholders have assurance that funds will be there when needed.

The Authority will not need to establish a closure or post-closure reserve because it will not be responsible for operating a landfill. The master plan has determined that there are no suitable sites within Broward County for landfill development, eliminating the Authority's role in final disposal operations.

3.1.8.3 Borrowing

Borrowing policies set the framework for under what conditions an Authority can issue debt to finance its operations or capital program. These policies directly influence revenue sufficiency, since debt service and coverage requirements must be supported by ongoing revenues.

A borrowing policy typically defines the circumstances under which debt may be issued. For example, the Authority may wish to limit borrowing to long-lived capital assets that provide benefits over many years, and require that routine maintenance and smaller projects be funded with current revenues. It may also establish maximum debt ratios, such as limits on debt per capita, debt-to-asset ratios, or the percentage of revenues that can be pledged toward debt service.

Some borrowing policies require consideration of the Authority's credit rating, competitive financing options, and the mix between fixed-rate and variable-rate debt to manage interest rate risk.

Policies often include provisions for pay-as-you-go funding, requiring that a portion of each capital program be funded with current revenues or reserves, thus balancing reliance on debt. They may also establish expectations for refunding outstanding bonds when favorable interest rate conditions allow.

Currently, the Authority does not own assets and is unlikely to build or operate facilities in the near term. However, should the Authority choose to develop any essential infrastructure, such as its own administrative facilities or a sustainability campus, the Authority may consider issuing debt as a financing mechanism. Debt funding allows the Authority to spread the cost of large capital projects over time, aligning repayment with the useful life of the assets and the benefits they deliver to the community. This approach can preserve cash reserves for operational needs while enabling timely investment in infrastructure that supports the Authority's goals

APPENDIX A

Alameda County Source Reduction and Recycling Board

Resolution #R94-27

Alameda County Waste Reduction and Recycling Initiative

Charter Amendment

Section 64: Waste Reduction and Recycling

The Board of the Alameda County Waste Management Authority

ORDINANCE 2009-01

ALAMEDA COUNTY SOURCE REDUCTION AND RECYCLING BOARD

RESOLUTION #R94-27

**MOVED: LANDIS
SECONDED: WIESKAMP**

AT THE MEETING HELD AUGUST 11, 1994

**POLICY FOR REVISION OF POPULATION BASED DISBURSEMENTS FROM
THE RECYCLING FUND**

WHEREAS, the Alameda County Waste Reduction and Recycling Initiative Charter Amendment requires the apportionment of funds to municipalities on a per capita basis for continuation and expansion of municipal recycling programs; and

WHEREAS, the Federal Census of Population is conducted only once every ten years by the U.S. Department of Commerce; and,

WHEREAS, interested parties in Alameda County have expressed concern that adjustments more frequent than once every ten years are necessary to reflect ongoing population changes among Alameda County municipalities; and,

WHEREAS, the State Department of Finance produces updated population estimates annually for cities and unincorporated county areas in California; and,

WHEREAS, it is necessary to adopt a policy regarding frequency, data source and methodology for updating the population formula for disbursement of funds to municipalities, and the Policy Committee unanimously made recommendations to the Board on these matters at their August 2, 1994 meeting;

NOW, THEREFORE, BE IT RESOLVED, that

1. The population distribution formula for municipal disbursements from the Recycling Fund be updated every other year in even numbered years, based upon updates from the State Department of Finance in between releases of final Federal Census data, effective with the disbursements made in August of each even numbered year.
2. State Department of Finance estimates for unincorporated population changes will be spread in a pro-rated manner over the Castro Valley Sanitary District, the unincorporated Oro Loma Sanitary District, and the remaining unincorporated County areas.
3. Final Federal Census block level data will be used to determine updated population counts for the Castro Valley and Oro Loma Sanitary Districts every ten years.

ADOPTED BY THE FOLLOWING VOTE:

**AYES: ABBE, LANDIS, MACDONALD, MILEY, RUBIN, RYNIEN,
SKINNER, VALLE, WIESKAMP**

NOES: NONE

ABSENT: MARTIN, SHINOHARA

ABSTAINED: NONE


**THOMAS M. MARTINSEN, EXECUTIVE DIRECTOR
ALAMEDA COUNTY RECYCLING BOARD**

THE ALAMEDA COUNTY WASTE REDUCTION AND RECYCLING
INITIATIVE CHARTER AMENDMENT:
(FINAL TEXT: NOVEMBER 13, 1989)

SECTION 64: WASTE REDUCTION AND RECYCLING

SUBSECTION 64.010: NAME

This Section of the Alameda County Charter shall be known and may be cited as the Alameda County Waste Reduction and Recycling Act of 1990 (hereinafter the "Act").

SUBSECTION 64.020: PURPOSE

The purpose of this Act is to:

- A. Provide for an Alameda County Source Reduction and Recycling Plan (hereinafter the "Recycling Plan") in conformance with new state law requiring all California cities and counties to plan, fund and implement a comprehensive source reduction and recycling program (Paragraph 64.040(B));
- B. Meet, by January 1, 1995, the state-mandated goal of reducing by at least twenty-five percent the refuse landfilled in Alameda County, then meet by January 1, 2000, the further state-mandated goal of fifty percent, and set longer-term goals starting at seventy-five percent (Paragraph 64.040(A));
- C. Ensure that the Recycling Plan provides for at least the following essential elements:
 - 1. An Alameda County-wide Source Reduction Program (Subsection 64.080) to minimize the generation of refuse;
 - 2. Residential Recycling Programs (Subsection 64.090) to provide each Alameda County residence with curbside pick-up of recyclable materials;
 - 3. Commercial Recycling Programs (Subsection 64.100) to reduce the refuse disposal costs of businesses and government agencies;
 - 4. An Alameda County-wide Recycled Product Market Development Program (Subsection 64.110) to create and strengthen stable markets for recycled materials; and

5. A Recycled Product Purchase Preference Program (Subsection 64.120) to further encourage recycled materials markets by maximizing the amount of recycled products purchased by County government agencies;
- D. Fund the Recycling Plan by instituting a six dollar per ton surcharge on materials disposed of in Alameda County landfills (Paragraph 64.050(A));
- E. Create an Alameda County Source Reduction and Recycling Board (hereinafter the "Recycling Board") to coordinate the Recycling Plan (Subsection 64.130);
- F. Prohibit the incineration of refuse within Alameda County (Subsection 64.140).

SUBSECTION 64.030: FINDINGS

The people of Alameda County find and declare that:

- A. The increasing consumption of single-use and environmentally harmful products depletes natural resources, produces huge quantities of refuse -- most of which is disposed of in ways that damage the environment -- and, ultimately, will injure future generations;
- B. The use of terms such as "garbage" and "solid waste" result from -- and serve to reinforce -- wasteful attitudes; the materials referred to by these terms retain their value as natural resources, and should instead be described and treated as "discarded materials" to be recycled rather than incinerated or landfilled;
- C. At least ninety percent of the discarded materials generated within Alameda County are landfilled as are vast quantities of discarded materials from neighboring counties; existing landfill capacity in the Bay Area will be exhausted in less than twenty-five years, while new landfills are increasingly difficult and expensive to site; landfill is neither a long-term, nor a sustainable, nor an environmentally safe option for disposal of discarded materials;
- D. Refuse incinerators are a poor alternative to source reduction and recycling: such incinerators damage the environment by wasting natural resources that could instead be recycled, by accelerating the release of greenhouse gasses -- which worsen global warming -- and by generating toxic substances;
- E. Each person discards materials and should therefore be involved in solving the problems caused by the disposal of such materials; this involvement must include changes in individual behavior resulting from each person's awareness of her or his role in creating or finding solutions to environmental problems; only through such changes can sustainable consumption and disposal patterns be established and the biosphere restored:

- F. The County government shares a responsibility with Alameda County cities and sanitary districts to provide a comprehensive source reduction and recycling program which will foster these necessary changes in individual behavior as well as ensure that the goals set by state law are met; and
- G. The best available method for funding the Recycling Plan is a surcharge on materials disposed of at landfills.

SUBSECTION 64.040: RECYCLING POLICY GOALS AND RECYCLING PLAN

A. Recycling Policy Goals:

1. Consistent with the California Integrated Waste Management Act of 1990 (hereinafter the "CIWMA"), it shall be County policy to reduce, recycle, and compost, by no later than January 1, 1995, at least twenty-five percent (25%), and by no later than January 1, 2000, at least fifty percent (50%), by weight, of all discarded materials generated within Alameda County.
2. The Recycling Board shall establish, not later than January 1, 1999, a date to reduce, recycle, and compost at least seventy-five percent (75%), by weight, of all discarded materials generated within Alameda County, and, as necessary to the establishment of sustainable discarded materials management practices, shall subsequently establish a date (or dates) to reduce, recycle and compost further quantities of discarded materials.

- B. The Recycling Board shall develop, within one (1) year of the effective date of this Act, a plan to establish the recycling programs necessary to meet the recycling policy goals set forth in Subparagraph 64.040(A)(1) (all citations contained in this Act are, unless otherwise noted, to this Act), said plan to be known as the Alameda County Source Reduction and Recycling Plan (Recycling Plan). The Recycling Board subsequently shall amend the Recycling Plan as necessary to meet said recycling policy goals, and as necessary to meet the further recycling policy goals established by the Recycling Board pursuant to Subparagraph 64.040(A)(2). The Recycling Plan shall incorporate all Alameda County recycling programs, whether funded by this Act or not. In developing and amending the Recycling Plan, the Recycling Board shall consult with the Alameda County Board of Supervisors (hereinafter the "Board of Supervisors"), the Alameda County Waste Management Authority (hereinafter the "Authority") and Alameda County municipal governing bodies, and furthermore shall seek to maximize public input as to the contents of the Recycling Plan by holding public hearings and establishing public advisory committees.

- C. The Recycling Board shall contract, not more than four (4) years after the effective date of this Act, and then every five (5) years thereafter, for an audit to determine compliance with the Recycling Plan and the degree of progress toward the recycling policy goal then in effect. Said audits shall be conducted by an independent auditor (or auditors) with experience in source reduction and recycling. The reports of said audits shall be completed within one (1) year and issued to each municipality, the Board of Supervisors and the Authority. Said reports shall include at least the following:
1. A narrative and analytical evaluation of all recycling programs within Alameda County, whether funded through this Act or not, both Alameda County-wide and within each municipality;
 2. A statistical measure of the progress toward the recycling policy goal then in effect;
 3. An evaluation of the Recycling Board's activities, including, but not limited to, an accounting of the monies spent by the Recycling Board; and
 4. Recommendations to the Recycling Board, the Board of Supervisors, the Authority and the municipal governing bodies for the maintenance and expansion of recycling programs, and any necessary resulting amendments to the Recycling Plan.

SUBSECTION 64.050: RECYCLING FUND

- A. Commencing not later than three (3) months after the effective date of this Act, each landfill or incinerator in Alameda County shall collect a surcharge of six dollars (\$6.00) per ton on all refuse accepted for landfilling or incineration at said landfill or incinerator. All monies collected through said surcharge shall be paid by the operators of each landfill or incinerator into a fund, to be known as the Alameda County Recycling Fund (hereinafter the "Recycling Fund"), established for the purpose of receiving and disbursing monies pursuant to this Act. The Board of Supervisors shall ensure the collection of said surcharge, either by modifying the use permits of said landfills and incinerators or by any other necessary means.
- B. Should the collection of said surcharge be found to be in violation of an existing contract or agreement to import refuse generated outside of Alameda County for landfilling or incineration within Alameda County, the Board of Supervisors may vote to waive collection of said surcharge for the refuse described within said contract or agreement. However, any future contract or agreement for the importation of refuse for landfilling or incineration within Alameda County, executed or negotiated after the effective date of this Act, shall provide for the collection of said surcharge for the refuse described within said contract or agreement.

- C. Any necessary costs of collection of said surcharge incurred by landfill or incinerator operators shall not be subtracted from said surcharge but, consistent with Subsection 64.070, shall be passed through to refuse generators by means of the refuse collection rates set by each municipality.
- D. Said surcharge may be adjusted only as follows:
1. The Board of Supervisors may place a ballot measure on the Alameda County ballot for an alternative or additional funding mechanism for the Recycling Fund. Said funding mechanism may levy a surcharge or disposal fee on types of discarded materials. Said ballot measure may also include a provision to adjust said surcharge in direct correlation to the funding resultant from the proposed surcharge or disposal fee.
 2. The Authority may pay monies within its jurisdiction to the Recycling Fund with the intent of mitigating said surcharge. Should the Authority vote to do so, the Board of Supervisors shall adjust said surcharge accordingly, provided that no such adjustment shall result in a net loss to the total receipts to the Recycling Fund within a given year.
 3. The Board of Supervisors may vote at any time to adjust said surcharge in direct accordance with changes in the Consumer Price Index.
 4. Commencing January 1, 1995, and once every five years thereafter, the Board of Supervisors may vote, with the advice of the Authority and/or a double majority of the cities, to pass an ordinance adjusting said surcharge by up to twenty percent (20%). Said ordinance may take effect immediately, but shall be subject to approval or repeal by a vote of the people at the next regularly scheduled Alameda County election.
 5. The Board of Supervisors may vote, with the concurrence of a double majority of the cities, to adjust said surcharge, if either the federal government or the State of California institutes recycling programs that duplicate and fund the recycling programs established by this Act.
- E. The Recycling Board shall administer the Recycling Fund in accordance with the provisions of this Act. Recycling Fund monies that are not immediately expended may be temporarily invested, under the direction of the Recycling Board and in accordance with accepted principles of financial management, in financial instruments that encourage, to the extent possible, source reduction and recycling while discouraging non-sustainable uses of natural resources. Any interest or other income resulting from such investments shall accrue to the Recycling Fund.

SUBSECTION 64.060: SUPPORT FOR RECYCLING PROGRAMS

- A. During the first twenty-seven (27) months after the effective date of this Act, the Recycling Board shall support recycling programs and otherwise fulfill the provisions of this Act by disbursing monies from the Recycling Fund as follows:
1. Eighty percent (80%) of the total shall be apportioned on a per capita basis to municipalities for the planning and implementation of Residential Recycling Programs and/or Commercial Recycling Programs, for new or expanded recycling programs, and for the preparation of the city source reduction and recycling elements, pursuant to the CIWMA. Funds so disbursed shall be used exclusively for supporting municipal recycling programs.
 2. Twenty percent (20%) of the total shall be applied to the following:
 - a. The development and implementation of the Source Reduction Program, the Recycled Product Market Development Program and the Recycled Product Purchase Preference Program;
 - b. The Recycling Board's expenses for the administration of this Act; and
 - c. The preparation of the Alameda County source reduction and recycling element, pursuant to the CIWMA.
- B. Commencing twenty-eight (28) months after the effective date of this Act, the Recycling Board shall support recycling programs and otherwise fulfill the provisions of this Act by disbursing monies from the Recycling Fund as follows:
1. Fifty percent (50%) shall be disbursed on a per capita basis to municipalities for the continuation and expansion of municipal recycling programs.
 2. Ten percent (10%) shall be applied to a grant program for nonprofit organizations engaged in maximizing recycling, composting, and reducing waste within Alameda County. The Recycling Board shall be an organization eligible to receive funds under this Subparagraph, for the purposes of conducting planning, research, and studies directed at furthering the purposes of this Act.
 3. Ten percent (10%) shall be applied to the Source Reduction Program.
 4. Ten percent (10%) shall be applied to the Recycled Product Market Development Program.

5. Five percent (5%) shall be applied to the Recycled Product Purchase Preference Program.
 6. Fifteen percent (15%) shall be disbursed on a discretionary basis by the Recycling Board to support any of the activities described within this Paragraph. A portion of said fifteen percent (15%) may be retained by the Recycling Board to cover the necessary costs of administering the Recycling Fund, provided, however, that said portion shall not exceed three percent (3%) of the total funds paid to the Recycling Fund in a given year.
- C. For the purpose of apportionment of funds under the provisions of this Subsection, and for the purpose of sound discarded materials management, the Recycling Board shall cause accurate, reliable, and up-to-date estimates to be maintained of the amounts and kinds of recycling and refuse generation occurring in each municipality. For the purpose of ensuring comparability of data, any composition study or waste characterization study performed with Recycling Fund monies shall comply with standards to be established by the Recycling Board. Said standards shall include, but shall not be limited to, both methodology and categories of discarded materials. In establishing said standards, the Recycling Board should utilize the categories for discarded materials outlined in Paragraph 64.150(0).
- D. Contracts using Recycling Fund monies shall be made for periods of not more than five (5) years, except that, upon a finding of the Recycling Board that a longer period is necessary in order to capitalize a specific project, the Recycling Board may vote to allow a particular contract to be made for a period of not more than ten (10) years. No contract using Recycling Fund monies shall provide for an option to renew or any similar provision that would result in the extension of a contract, on a less than fully competitive basis, for a cumulative period of more than five (5) years or, in the case of a contract which the Recycling Board has authorized to be made for a longer period for purposes of capitalization, more than ten (10) years.
- E. Nothing in this Act shall prevent any municipality, other jurisdiction, or other organization within Alameda County from raising or expending additional funds or taking other actions in support of recycling programs.
- F. Commencing January 1, 1995, the Recycling Board may vote, with the concurrence of the Board of Supervisors and a double majority of the cities, to adjust the distribution of funds under Paragraph 64.060(B) in order to further progress toward the recycling policy goal then in effect.

SUBSECTION 64.070: MUNICIPAL RATE STRUCTURES

- A. In order to be eligible to receive monies from the Recycling Fund, each municipality must, either by adjusting local refuse collection rates or by instituting a product disposal fee, provide for full reimbursement to its local refuse hauler(s) for the costs of the surcharge established by Paragraph 64.050(A).
- B. Upon request of a municipality, the Recycling Board shall cooperate with said municipality, the Alameda County Joint Refuse Rate Review Committee and the refuse hauler(s) serving said municipality to design an incremental refuse collection rate structure which will:
 - 1. Fully reimburse said hauler(s) for the increased costs resulting from the surcharge established by Paragraph 64.050(A);
 - 2. Encourage source reduction and recycling among residents by charging successively higher amounts for each garbage can collected; and
 - 3. Provide residents with the option to use smaller garbage cans at a decreased rate in order to reward source reduction and recycling.
- C. Upon request of a municipality, the Recycling Board shall cooperate with said municipality, the Alameda County Joint Refuse Rate Review Committee, and the refuse hauler(s) serving said municipality to design a product disposal fee, to be levied on purchases of products, with emphasis on those products that either are non-recyclable or are environmentally harmful, which will:
 - 1. Allow said municipality to fully reimburse, in lieu of or in addition to an increase in refuse collection rates, said hauler(s) for the increased costs resulting from the surcharge established by Paragraph 64.050(A);
 - 2. Encourage source reduction among residents; and
 - 3. Discourage the purchase of environmentally harmful products.

SUBSECTION 64.080: SOURCE REDUCTION PROGRAM

The Recycling Board shall disburse monies allocated in Subparagraphs 64.060(A)(2) and 64.060(B)(3), on a discretionary basis, for the development of an Alameda County-wide Source Reduction Program. Funded components of the Source Reduction Program shall include, but shall not be limited to, the following:

- A. A county waste minimization program with a goal of reducing the weight of County purchases, and with a specific goal of reducing the weight of County purchase of paper

products by ten percent (10%) by January 1, 1995, and by fifteen percent (15%) by January 1, 2000. Said program shall emphasize the conservation of paper products by means of a comprehensive employee education program. The Recycling Board may establish further goals for reduction in County purchases.

- B. An annual non-monetary award program for businesses which demonstrate a significant reduction in the use of packaging materials or the use of materials in manufacturing processes, or waste reduction through the durability and/or recyclability of their products.
- C. An industry and/or university program to research and develop source reduction opportunities and incentives.
- D. An intensive public education campaign to promote alternative individual consumer habits and in-house source reduction programs for businesses and institutions.
- E. Disposal cost reduction studies and waste audit services to demonstrate to businesses and institutions the efficacy of recycling programs.

SUBSECTION 64.090: RESIDENTIAL RECYCLING PROGRAMS

Within two (2) years of the initiation of the Recycling Fund, each municipality receiving monies from the Recycling Fund shall provide a Residential Recycling Program to every resident to whom refuse collection service is offered on a regular schedule which is as frequent as said refuse collection. However, it shall not be mandatory to provide said program to residents more than once a week.

SUBSECTION 64.100: COMMERCIAL RECYCLING PROGRAMS

Within two (2) years of the initiation of the Recycling Fund, each municipality receiving monies from the Recycling Fund shall make an adequate Commercial Recycling Program available to every business, government, and public or private institution to which refuse collection is offered, on a regular schedule. Municipalities may determine that a Recyclable Materials Recovery Program is an appropriate means of satisfying a part of this requirement.

SUBSECTION 64.110: RECYCLED PRODUCT MARKET DEVELOPMENT PROGRAM

The Recycling Board shall disburse monies allocated in Subparagraphs 64.060(A)(2) and 64.060(B)(4) of this Act, on a discretionary basis, for a program to develop and expand markets for recycled products. Funded components of the Recycled Product Market Development Program shall include, but shall not be limited to, the following:

- A. A regional cooperative marketing strategy;
- B. Grants for demonstration projects targeted at new uses of recycled materials and new techniques for recycling materials;
- C. An Alameda County-wide information exchange which targets potential users and sources of recycled products; and
- D. Municipal programs to administer permit assistance to recycling industries.

SUBSECTION 64.120: RECYCLED PRODUCT PURCHASE PREFERENCE PROGRAM

- A. The County shall purchase Recycled Products where they are comparable in function and equal in cost to products manufactured from virgin materials.

- B. The County shall apply, to the extent made possible by the availability of monies under Subparagraphs 64.060(A)(2) and 64.060(B)(5), a price preference of ten percent (10%) to its purchases of Recycled Products where said Recycled Products are comparable in function to products manufactured from virgin materials.
1. Price preferences shall be applied to a full range of recycled product categories, including, but not limited to, recycled paper products, compost and co-compost products, recycled glass, recycled oil, and recycled solvents and paints.
 2. The Recycling Board may establish a price preference which is greater than ten percent (10%) for certain recycled product categories, if it is demonstrated that the manufacturing costs for said recycled product categories are higher than the manufacturing costs for similar products produced with virgin materials such that a ten percent (10%) preference is insufficient for said recycled products to be competitive.
 3. Commencing January 1, 1995, the Recycling Board may reduce the price preference for certain recycled product categories, if it is demonstrated that the manufacturing costs for said recycled product categories are competitive with the manufacturing costs for similar products produced with virgin materials, and that any such reduction will not result in a substantial decrease in the percentage of recycled products purchased in the category affected by the reduction.
 4. Any monies remaining after fulfilling the other requirements of this Paragraph in a given year shall be apportioned by the Recycling Board to municipalities which have established similar price preferences and recycled product specifications.
- C. Consistent with Paragraphs 64.120(A) and (B), the County shall modify its purchasing forms and procedures to ensure that, beginning no later than one (1) year after the effective date of this Act, information as to the recycled content, including both postconsumer discards and secondary discards, of all supplies and materials purchased by the County is available and taken into account during the purchasing process. Said information shall also be obtained for the supplies and materials portions of all public works contract bids that are received by the County.
- D. Any County agency which has responsibility for drafting or reviewing specifications for procurement items shall be required to revise said specifications, within one (1) year of the effective date of this Act, to eliminate exclusions of recovered materials and requirements that said items be manufactured from virgin materials.
- E. To the extent that the practice of accepting bids for multiple products inhibits the purchase of recycled products, the County shall accept bids for individual products and/or bids for fewer products.

- F. The Recycling Board may establish standards for a recycled product category which exceed the levels of postconsumer and secondary discard content established by this Act, provided, however, that said standards will not result in a substantial decrease in the percentage of recycled products purchased in said category.
- G. Notwithstanding any other provision of this Charter, this Subsection shall apply to the supplies and materials portions of all public works contracts made by the County. The County may set minimum amounts of recycled products, both by quantity and by category, to be utilized in the execution of said contracts; and shall contract separately for the supplies and materials portions of said contracts where such separate contracting would result in more complete compliance with this Act while not significantly increasing the cost of a given contract, except as allowed by Paragraph 64.120(B).
- H. It shall be a County policy goal to purchase recycled paper products such that, by January 1, 1995, at least fifty percent (50%) of the total dollar amount of paper products purchased or procured by the County shall be purchased or procured as recycled paper products. Not later than January 1, 1999, the Recycling Board shall recommend to the Board of Supervisors further policy goals for County purchases of all types of recycled products.

SUBSECTION 64.130: RECYCLING BOARD

- A. The Board of Supervisors and the Authority shall appoint an eleven (11) member board, to be known as the Alameda County Source Reduction and Recycling Board (Recycling Board), to administer this Act as well as to carry out any other tasks consistent with the purposes of this Act that may subsequently be given to the Recycling Board by the voters or the Board of Supervisors.
- B. To avoid unnecessary administrative duplication, the Board of Supervisors shall seek the consent of a double majority of the cities for the Recycling Board to serve as the local task force mandated by California Public Resources Code Section 40950 (as enacted by the CIWMA). A failure to obtain such consent shall not be construed to inhibit the establishment of the Recycling Board. In the event that the Recycling Board is not named as said local task force, the Recycling Board shall review any recommendations of a local task force regarding source reduction and recycling.
- C. To further avoid unnecessary administrative duplication, the Authority may, within ninety (90) days of the effective date of this Act, accept the Recycling Board as a subsidiary body of the Authority. Should the Authority not so accept the Recycling Board, or if the Authority at any time ceases to exist, the Recycling Board shall be established as a separate entity within the structure of County government. However,

notwithstanding an initial failure by the Authority to so accept the Recycling Board, the Board of Supervisors may at any time, upon request of the Authority, make the Recycling Board a subsidiary body of the Authority.

- D. Members of the Recycling Board shall be appointed in accordance with the following:
1. The Authority may appoint five (5) of its members to sit on the Recycling Board. Should any or all of said five (5) Recycling Board members not be appointed by the Authority within four (4) months of the effective date of this Act, the Board of Supervisors shall cooperate with a double majority of the cities to appoint said member or members, except that a member appointed under such circumstances need not be a member of the Authority, but must be a member of the governing body of a municipality.
 2. The Board of Supervisors shall appoint six (6) Alameda County residents to the Recycling Board as follows:
 - a. A representative of an organization engaged primarily in operating recycling programs within Alameda County;
 - b. A source reduction specialist with substantial experience as such;
 - c. A representative of the recyclable materials processing industry;
 - d. A representative of the solid waste industry;
 - e. A representative of an environmental organization with a significant membership active in recycling issues within Alameda County; and
 - f. An environmental educator employed as such on a full-time basis.
 3. The membership of the Recycling Board shall reflect expertise in the field of source reduction and recycling.
 4. No for-profit corporation, including its divisions, affiliates, parents and subsidiaries, wholly or partially owned, may have more than one (1) employee or representative on the Recycling Board at any one (1) time.
 5. All members of the Recycling Board shall be appointed within four (4) months of the effective date of this Act. Members of the Recycling Board shall serve a term of two (2) years, and may be reappointed for one (1) successive term, except that, for the purpose of ensuring continuity in the administration of this Act, the initial terms of two (2) of the members appointed by the Authority and three (3) of the members

appointed by the Board of Supervisors shall be one (1) year. Should a Recycling Board member appointed by the Authority cease to be a member of the Authority, or if a Recycling Board member who is a member of the governing body of a municipality should cease to be a member of said governing body, or if a Recycling Board member ceases to be a resident of Alameda County, her or his seat on the Recycling Board shall be immediately deemed to be vacant.

6. Should a Recycling Board member for any reason vacate her or his seat, the governing body (or bodies) that appointed said member shall appoint a new member within two (2) months of the date the seat is vacated, except that if the appointing body is the Authority and the Authority has either ceased to exist or has failed to appoint a new member within said two (2) month period, the Board of Supervisors shall cooperate with a double majority of the cities to make the appointment. All such appointments to the Recycling Board shall otherwise be made in compliance with the requirements that applied to the original appointments.
 7. In the event of temporary incapacity or other inability to attend Recycling Board meetings, a Recycling Board member may request that the governing body (or bodies) that appointed said member appoint an interim Recycling Board member to serve, for a period of no more than three (3) months, in the place of said member.
- E. The Recycling Board shall schedule and conduct regular meetings at least once each calendar month, and shall schedule special meetings and committee meetings as necessary to the business of the Recycling Board. Regular meetings shall be scheduled with at least one (1) month advance notice to the public. Special meetings and committee meetings shall be scheduled with at least one (1) week advance notice to the public.
- F. Recycling Board members shall attend at least three fourths (3/4) of the regular meetings within a given calendar year. At such time as a member has been absent from more than one fourth (1/4) of the regular meetings in a calendar year, or from two (2) consecutive such meetings, her or his seat on the Recycling Board shall be considered vacant.
- G. Consistent with the principle of maximizing public participation in all Recycling Board activities, the Recycling Board may establish advisory committees and shall provide for full participation of the public in the functions of such bodies.
- H. The Recycling Board shall hold its meetings, hearings, public hearings, and other proceedings in such places and at such times as are likely to maximize access to said proceedings by as broad a range of Alameda County residents as is reasonably possible. To this end, the Recycling Board shall hold at least one (1) regularly scheduled evening meeting per year in each supervisorial district in a location accessible by public transit and shall ensure full access to all Recycling Board meetings by the physically disabled.

- I. All hearing, meetings, proceedings or other discussions of the Recycling Board, or of any committee or other subsidiary body of the Recycling Board, shall be open to the public, as shall the minutes, records of proceedings or documents received or discussed by the Recycling Board or its subsidiary bodies. Access to meetings or documents of the Recycling Board may be restricted only in circumstances authorized by those provisions of the Ralph M. Brown Act (California Government Code Sections 54950 et seq.), or of the California Public Records Act (California Government Code Sections 6250 et seq.), or of any successor legislation to either said act, relating to actual or imminent litigation or to evaluation of an employee of the Recycling Board. No such restriction shall be lawful unless it is first justified in the relevant written notice of meeting by specific identification of the actual or anticipated litigant or by specific identification of the position of the Recycling Board employee to be evaluated. All Recycling Board documents shall be made available for copying by members of the public for the direct cost of the copies only, not to exceed a limit of ten (10) cents per page. Said limit may be adjusted by the Recycling Board in direct proportion to the Consumer Price Index.
- J. The Recycling Board shall formulate rules for its own procedures and other rules as necessary to facilitate the implementation of the provisions of this Act.
- K. Each Recycling Board member shall have one (1) vote. A quorum for decisions of the Recycling Board shall be a majority of its members, except that a smaller number may vote to adjourn meetings.
- L. The members of the Recycling Board shall elect from their number a chair to be the presiding officer of said Recycling Board. The term of office of said chair shall be no more than one (1) year and shall expire at the end of the calendar year in which the chair sits.
- M. Each Recycling Board member shall receive compensation not to exceed three thousand dollars (\$3,000.00) for one (1) calendar year, not to exceed one hundred dollars (\$100.00) for each regular meeting of the full Recycling Board, or each special meeting or committee meeting of at least two (2) hours duration, which said member has attended.
- N. The Recycling Board shall hire such staff as are required to implement the provisions of this Act. Staff salaries and benefits shall be paid out of the monies allocated for the administration of this Act, pursuant to Subparagraphs 64.060(A)(2) and 64.060(B)(6).
- O. The Recycling Board may apply for, receive and expend supplementary funding grants from private and public sources.
- P. Conflicts of Interest:

1. No Recycling Board member shall participate in any Recycling Board action or attempt to influence any decision or recommendation by any employee of or consultant to the Recycling Board which involves herself or himself, or which involves any entity with which the member is connected as a director, officer, elected official, consultant, or full-time or part-time employee, or in which the member has a direct personal financial interest within the meaning of California Government Code Section 87100, or any successor statute thereto.
2. No Recycling Board member shall participate in any proceeding before any agency of either the County or a municipality as a consultant or in any other capacity on behalf of any solid waste handler, recycling organization, or other person or organization which actively participates in matters before the Recycling Board. Nothing in this Subsection shall be construed to prohibit a representative from a municipality from fully participating in the deliberations of her or his own governing board.
3. For a period of one (1) year after leaving her or his seat on the Recycling Board, a former Recycling Board member shall not act as an agent or attorney for, or otherwise represent, any other person before the Recycling Board by making any formal or informal appearance or by making any oral or written communication to the Recycling Board.

Q. Ex Parte Communications:

1. No Recycling Board member, or person who serves as a consultant or in any other capacity on behalf of a solid waste handler, recycling organization, or other public or private entity which actively participates in matters before the Recycling Board, or other person who intends to influence the decision of a Recycling Board member on a matter before the Recycling Board, excepting a staff member of the Recycling Board acting in her or his official capacity, shall conduct an ex parte communication unless the following steps are taken:
 - a. The Recycling Board member shall notify the person who engaged in the ex parte communication that a full disclosure of said communication must be entered in the Recycling Board's record; and
 - b. Either the Recycling Board member or the person who engaged in said communication shall, prior to the next regularly scheduled meeting of the Recycling Board, submit a full written disclosure of said communication which shall be entered in the Recycling Board's official record.
2. For the purposes of this Paragraph, "ex parte communication" shall mean any oral or written communication concerning matters, other than purely procedural issues, under the jurisdiction of the Recycling Board which are subject to a vote of the Recycling

Board, but shall not mean any such communication performed before the Recycling Board, or any subsidiary body thereto.

- R. Violations of Paragraphs 64.130(P) or (Q) shall be punishable as a misdemeanor.
- S. Upon request of any person or on her or his own initiative, the Alameda County District Attorney may file a complaint in Alameda County Superior Court alleging that a Recycling Board member has knowingly violated Paragraphs 64.130(P) or (Q), including the facts upon which said allegation is based, and asking that said Recycling Board member be removed from office. If, after trial, the court finds that the Recycling Board member has knowingly violated either of said Paragraphs, it shall enter a judgement removing said member from office.
- T. All documents issued by or in the name of the Recycling Board shall be printed double-sided on recycled paper with the highest postconsumer content available.

SUBSECTION 64.140: PROHIBITION OF INCINERATION

It shall be unlawful to operate any incinerator within Alameda County. Furthermore, it shall be unlawful to landfill within Alameda County the ash or residue from any incinerator, regardless of the location of said incinerator.

SUBSECTION 64.150: DEFINITIONS

The following words and phrases used in this Act shall have, for the purposes of interpreting and applying this Act, the following meanings:

- A. "Act" shall mean this Section, Section 64 of the Alameda County Charter as enacted by the Alameda County Waste Reduction and Recycling Act of 1990.
- B. "Alameda County" shall mean the geographic entity, including both the incorporated and unincorporated areas.
- C. "Authority" shall mean the Alameda County Waste Management Authority.
- D. "Board of Supervisors" shall mean the Alameda County Board of Supervisors.
- E. "Buy-Back Program" shall mean a program to purchase recyclable supplies, materials or goods from the public.
- F. "Charter" shall mean the Alameda County Charter as amended by this Act.

- G. "CIWMA" shall mean the California Integrated Waste Management Act of 1989, presently codified as California Public Resources Code Sections 40000 et seq.
- H. "Commercial Recycling Program" shall mean a program to collect, purchase, receive, process, and/or market discarded materials generated by businesses or institutions, public or private, for the purpose of recycling said discarded materials; and shall include a Recycling Education Program to encourage the participation of said businesses or institutions.
- I. "Compostable materials" shall mean nontoxic materials collected for composting, including, but not limited to, plant debris, putrescibles, wood and soils.
- J. "Composting" means the controlled biological decomposition of organic materials that are separated from the discarded materials stream.
- K. "Composting Program" shall mean a program to collect, purchase, receive, process, and/or market compostable materials, or co-compost said compostable materials with manures, dairy discards, or fish processing discards, with the aim of producing a nontoxic finished product usable as a compost, soil amendment, landfill cover, or potting soil.
- L. "Construction and Demolition Debris Recycling Program" shall mean a program to collect, purchase, receive, process, and/or market discarded materials generated in the construction and/or demolition of improvements to real property.
- M. "Consumer Price Index" shall mean the index for the San Francisco Bay Area issued by the United States Department of Labor.
- N. "County" shall mean the government of Alameda County, including any department, board, commission, agency or duly authorized official thereof.
- O. "Discarded materials," "discarded materials supply" and "discards" shall mean materials that a person, business, industry, or institution has delivered to a disposal facility, or has set in or next to a receptacle that is regularly emptied for disposal, or has abandoned in a public place, but shall not be construed to mean materials that must be handled as hazardous or infectious waste; and shall be composed of the following categories:
1. "Chemicals," including, but not limited to, recyclable and/or reusable solvents, paints, motor oil, and lubricants;
 2. "Crushables," including, but not limited to, rock, ceramics, concrete, and nonreusable brick;

3. "Glass," including, but not limited to, glass containers and window glass;
 4. "Manures," including, but not limited to, sewage sludge that has been dewatered, treated or chemically fixed, and livestock and horse manure;
 5. "Metals," both ferrous and nonferrous, including cans, parts from abandoned vehicles, plumbing, fences, metal doors and screens, and any other discarded metal objects;
 6. "Paper," including, but not limited to, newsprint, ledger paper, computer paper, corrugated cardboard and mixed paper;
 7. "Plant debris," including, but not limited to, leaves, cuttings, and trimmings from trees, shrubs and grass;
 8. "Plastics," including, but not limited to, beverage containers, plastic packaging, tires, and plastic cases of consumer goods such as telephones or electronic equipment;
 9. "Putrescibles," including, but not limited to, garbage, offal, and animal, fruit and vegetable debris;
 10. "Reusable goods," including intact or repairable home or industrial appliances, household goods, and clothing; intact materials in demolition debris, such as lumber or bricks; building materials such as doors, windows, cabinets, and sinks; business supplies and equipment; lighting fixtures; and any other item that can be repaired or used again as is;
 11. "Soils," including, but not limited to, excavation soils from barren or developed land, and excess soils from yards;
 12. "Textiles," including, but not limited to, nonreusable clothing, upholstery and pieces of fabric; and
 13. "Wood," including, but not limited to, nonreusable lumber and pallets.
- P. "Disposal facility" shall mean a facility to receive, purchase, process, incinerate and/or landfill discarded materials.
- Q. "Double majority of the cities" shall mean a majority of the cities representing a majority of the population in the incorporated areas of Alameda County.

- R. "Drop-Off Program" shall mean a program to accept the donation of recyclable materials at a fixed site for the purpose of recycling said materials.
- S. "Hazardous waste" shall mean any material defined as hazardous waste by California Health and Safety Code Section 25117, or by any successor statute thereto, but notwithstanding said section or successor statute shall include ash and/or residue from an incinerator.
- T. "Incinerator" shall mean a facility that burns, as a means of disposal and/or energy production, refuse, refuse-derived fuel, any material recovered from a mixed supply of discarded materials, any type of plastic, and/or any type of hazardous waste, but shall not mean a facility dedicated to burning infectious waste or potentially infectious waste.
- U. "Infectious waste" shall mean any material defined as infectious waste by California Health and Safety Code Section 25117.5, or by any successor statute thereto.
- V. "Landfill" shall mean a facility that buries discards as a means of disposal.
- W. "Municipal recycling programs" shall mean recycling programs within a municipality, or recycling programs administered as a joint effort between municipalities.
- X. "Municipality" shall mean a city or sanitary district located in Alameda County.
- Y. "Postconsumer discards" shall mean finished materials which would have been disposed of as discarded materials, having completed their life cycle as consumer items, and does not include manufacturing discards.
- Z. "Recyclable Material Recovery Program" shall mean a program to receive, separate, and process mixed discarded materials for the purpose of removing materials which will later be used in the fabrication or manufacture of recycled products.
- AA. "Recycle" or "recycling" shall mean a process by which any good, material, supply or other object, which otherwise would be wasted, is recycled, reused, salvaged, or otherwise retrieved, collected, processed and/or marketed for return to use by society, either in its original form or in a new form; but shall not mean, with the exception of compost used for landfill cover, a program for landfilling or incinerating.
- BB. "Recycled product" shall mean a product, good, material, or supply, no less than fifty percent (50%) of the total weight of which consists of secondary and postconsumer discards with not less than ten percent (10%) of its total weight consisting of postconsumer discards; or any product, good, material or supply which has been diverted from the supply of discarded materials by refurbishing and marketing said product, good, material or supply without substantial change to its original form.

- CC. "Recycled Product Market Development Program" shall mean a program to create or improve markets for recycled products, including, but not limited to, one that facilitates the exchange of information between potential sources and users of recycled products; supports the development of techniques, systems, and practices of incorporating recycled materials into finished products; encourages enterprises that use recycled materials in place of non-recycled materials; and/or assists in the establishment of cooperative arrangements or organizations for marketing or purchasing recycled products.
- DD. "Recycling Board" shall mean the Alameda County Source Reduction and Recycling Board established pursuant to this Act.
- EE. "Recycling Education Program" shall mean a program to promote participation in recycling programs and/or disseminate information about the benefits of recycling; and encouraging sound consumption and disposal practices by using language and concepts consistent with achieving a sustainable environment.
- FF. "Recycling Fund" shall mean the Alameda County Recycling Fund established pursuant to this Act.
- GG. "Recycling Plan" shall mean the Alameda County Recycling Plan established pursuant to this Act.
- HH. "Recycling programs" shall mean Buy-Back Programs, Commercial Recycling Programs, Composting Programs, Construction and Demolition Debris Recycling Programs, Drop-Off Programs, Recyclable Material Recovery Programs, Recycled Product Market Development Programs, Recycled Product Purchase Preference Programs, Recycling Education Programs, Residential Recycling Programs, Salvage Programs, Source Reduction Programs, and/or research and planning to implement any of said programs.
- II. "Refuse" shall mean mixed discarded materials that are disposed of by landfilling or incineration, including, but not limited to, discarded materials that have been contaminated and thus rendered non-recyclable during the disposal process, either by being mixed during compaction or by any other process, and discarded products of a manufacturing process which combines natural resources in a manner which renders said resources unrecoverable.
- JJ. "Residential Recycling Program" shall mean a program to collect at least three (3) different kinds of materials, from at least two (2) different categories of discarded materials, by means of one (1) or more containers, separate from conventional garbage containers, where said recyclable materials are placed by residents at the curb or an equivalent location; and shall include a Recycling Education Program to encourage the participation of residents.

- KK. "Salvage Program" shall mean a program to collect, purchase, receive, process and/or market any fabricated good, material, and/or supply for reuse.
- LL. "Secondary discards" shall mean finished products, or fragments of finished products, of a manufacturing process which has converted a resource into a commodity of real economic value, and includes postconsumer discards; but shall not include excess virgin resources of said manufacturing process, such as fibrous wood discards generated during the manufacturing process, including fibers recovered from waste water, trimmings of paper machine rolls (mill broke), wood slabs, chips, sawdust, or other wood residue.
- MM. "Source Reduction Program" shall mean a program that results in a net reduction in the generation of discarded materials, including, but not limited to, a program to reduce the use of non-recyclable materials and hazardous waste; replace disposable materials and products with reusable materials and products; reduce packaging; reduce the amount of plant debris generated; reduce the amount of household hazardous waste generated; establish refuse collection rate structures with incentives to reduce the amount of refuse that generators produce; increase the efficiency of the use of paper, cardboard, glass, metal, plastic, and other materials in the manufacturing process; and/or maintain public education programs to accomplish any of these ends; but shall not be construed to include any steps taken after the material is discarded.
- NN. "Waste" shall mean discarded materials that have been rendered valueless by being incinerated, buried, contaminated, or otherwise destroyed; or the act of incinerating, burying, contaminating, or otherwise destroying the value of discarded materials.

SUBSECTION 64.160: EFFECTIVE DATE

Unless otherwise specified in this Act, the provisions of this Act shall take effect on the date it is accepted for filing by the California Secretary of State.

SUBSECTION 64.170: EFFECT ON OTHER COUNTY LAWS

No provision of this Act shall be construed to bar the enforcement of any existing County ordinances or regulations where the subject matter of said ordinances or regulations is wholly or partly the same as that of this Act, or to bar the enactment of any future such County ordinances and regulations. All County ordinances or regulations involving the subject matter of this Act shall be construed to further the purposes of this Act.

SUBSECTION 64.180: STATUS OF EXISTING CHARTER PROVISIONS

Any provision of the Alameda County Charter in effect prior to the effective date of this Act which conflicts in any way with any provision of this Act is hereby declared to be amended by implication. No such existing provision of said charter shall be construed to affect the application of any provision of this Act in a manner inconsistent with the purposes of this Act.

SUBSECTION 64.190: SEVERABILITY

If any subsection, paragraph, subparagraph, sentence, clause, or word of this Act is held unconstitutional or otherwise invalid, either on its face or as applied, the invalidity of said part or application thereof shall not affect the validity of the other parts of this Act, or the applications thereof; and to that end the parts and applications of this Act shall be deemed severable. It is hereby declared, notwithstanding any finding that a part or application of this Act is unconstitutional or otherwise invalid, that each of the parts of this Act would have been enacted separately.

ORDINANCE 2009-01
AN ORDINANCE ESTABLISHING PROCEDURES AND
REPORTING REQUIREMENTS FOR THE COLLECTION OF
THE COUNTYWIDE SOLID WASTE FACILITY FEE

The Board of the Alameda County Waste Management Authority ordains as follows:

SECTION 1 (Enactment)

The Board of the Authority does hereby enact this Ordinance in full consisting of Section 1 through Section 13.

SECTION 2 (Findings)

(a) The Authority finds that Public Resources Code Section 41901 authorizes a city or county to impose fees in amounts sufficient to pay the costs of preparing, adopting and implementing a Countywide Integrated Waste Management Plan (CoIWMP).

(b) The Authority finds that the Joint Exercise of Powers Agreement for Waste Management delegates to the Authority the member agencies' powers to impose said fees.

(c) The Authority finds that it has adopted a budget each fiscal year that defines the revenue sources and expenditures necessary to prepare, adopt and implement the Alameda County CoIWMP.

(d) The Authority finds that it adopted Resolution No. 120, which became effective February 1, 1991, establishing a facility fee pursuant to Public Resources Code Section 41901 of \$1.50 per ton of Solid Waste disposed, and that on June 25, 2008 it adopted Resolution No. 2008-06 increasing the facility fee to \$2.00 per ton of Solid Waste disposed. The Authority found that these actions were necessary to fund the costs of preparing, adopting, and implementing the Alameda County CoIWMP.

(e) The Authority finds that on May 27, 2009, it adopted Resolution No 2009-3 approving a facility fee of \$4.34 effective January 1, 2010 on: (i) all tons of Solid Waste Deposited in Landfills in Alameda County regardless of how such waste is classified under state law (e.g., disposal or diversion), unless prior to May 27, 2009 the Authority entered into an agreement providing for a different fee structure, and (ii) all tons of Solid Waste originating in Alameda County and Deposited in Landfills outside of Alameda County but within the State of California, regardless of how such waste is characterized under state law (e.g., disposal or diversion). The Authority found that action was necessary to fund the costs of preparing, adopting, and implementing the Alameda County CoIWMP.

(f) The Authority finds that on May 22, 1991 it adopted Resolution No. 144, providing for the standardization of the revenue payment process at the three operational landfills in Alameda County.

(g) The Authority finds that pursuant to Public Resources Code Section 41781, Solid Wastes originating in Alameda County but disposed at out-of-county landfills continue to count as disposal for purposes of calculating compliance with the mandated waste diversion goals contained in Section 41780 of the Public Resources Code.

(h) The Authority finds that accurate records regarding the weight of Solid Wastes originating in Alameda County and Deposited in Landfills are essential to all of the jurisdictions within Alameda County for the purpose of monitoring and calculating compliance with state law, Alameda County Charter Section 64.040A(1), (2), and the goals, objectives, and policies of the Alameda County CoIWMP.

(i) The Authority finds that accurate records regarding the weight of Solid Wastes Deposited in Landfills in Alameda County and Solid Waste originating in Alameda County but Deposited in Landfills out-of-county are essential to the effective collection of several fees levied by the Authority.

(j) The Authority finds that on April 26, 1995 it adopted Ordinance 95-1, which contains reporting requirements regarding the origin and weight of Solid Waste received at landfills.

(j) The Authority finds that on December 17, 1997 it adopted Resolution No. 97-28, which provided for collection of the “facility operators fee” and “household hazardous waste fee” at transfer stations in Alameda County.

(k) The Authority finds that on September 26, 2001, Ordinance 2001-01 provided for the collection of a facility fee and household hazardous waste fee on Solid Waste generated in county and exported to an out-of-county landfill without first going through an in-county transfer station.

(l) The Authority finds that this Ordinance supersedes Ordinance 95-1 and supersedes those portions of Resolution 97-28 and Ordinance 2001-01 that pertain to the collection and remittance of the Authority’s Facility Fee, as well as the measuring and reporting of Solid Waste disposed and diverted, but it does not affect those portions that pertain to the Authority’s Household Hazardous Waste Fee.

(m) The Authority finds that it has the power to enact this Ordinance pursuant to the Joint Exercise of Powers Agreement for Waste Management.

(n) The Authority finds that enactment of this Ordinance is not a “project”

subject to the requirements of the California Environmental Quality Act, California Code of Regulations, title 21, section 15378(b)(4); further, even if it were a “project,” it would be categorically exempt from the California Environmental Quality Act pursuant to California Code of Regulations, title 21, sections 15306 and 15308.

SECTION 3 (Definitions)

The following definitions govern the use of terms in this Ordinance:

(a) “Alameda County” or “County” means all of the territory located within the incorporated and unincorporated areas of Alameda County.

(b) “Authority” means the Alameda County Waste Management Authority created by the Joint Exercise of Powers Agreement for Waste Management.

(c) “Board” means the governing body of the Authority made up of elected representatives of the member agencies pursuant to the Joint Exercise of Powers Agreement for Waste Management.

(d) “Deposited in Landfills” or “Deposited at the Landfill” means final deposition of Solid Waste, in landfills permitted by the State of California, above liners (or above the permitted base of the landfill if a liner is not required) and below final cover within the permitted fill area. Any Solid Waste used to create a foundation layer for final cover in excess of three (3) feet on average shall be considered “Deposited at the Landfill” unless a greater thickness of foundation layer is specifically required by the Regional Water Quality Control Board.

(e) “Disposed Waste” means Solid Waste that is not Other Waste.

(f) “Executive Director” means the individual appointed by the Board to act as head of staff and perform those duties specified by the Rules of Procedure and by the Board.

(g) “Facility Fee” means the Authority’s Facility Fee, as adopted by Resolution No. 120 and amended by Resolution 2008-06, Resolution 2009-3, and any subsequent amendments.

(h) “Jurisdiction of Origin” means the city, special district, or geographic area in which the Solid Waste originated. For the purposes of this Ordinance, Jurisdictions of Origin consist of:

- (1) Each incorporated municipality within Alameda County
- (2) The Castro Valley Sanitary District
- (3) The three portions of the Oro Loma Sanitary district, as follows: the unincorporated area, the area within the municipal boundaries of the City of San Leandro,

and the area within the municipal boundaries of the City of Hayward. Records shall be kept separately for each of these three areas.

(4) The unincorporated section of the County not included within the above.

(5) Each county within the state other than Alameda County.

(i) “Other Waste” means Solid Waste that conforms to the requirements of one or more of the following: (i) it is deposited in a manner such that it is classified under state law as beneficial reuse that counts as diversion for the purpose of compliance with Public Resources Code Section 41780 *et. seq.*; (ii) it is earthen material including contaminated soils as defined in Title 14, California Code of Regulations, Section 17361 (b), and soil with contaminants other than petroleum hydrocarbons that has been approved for use as landfill daily or intermediate cover by the Regional Water Quality Control Board and any other government agencies from which approval is required, such as the Department of Toxic Substances Control or Air Quality Management District; or (iii) it is inert materials as defined in Title 27, California Code of Regulations, Section 20230.

(j) "Permitted Waste Facility" means a Solid Waste disposal or non-disposal facility (e.g., transfer station or recycling or composting facility) that has a permit from the California Integrated Waste Management Board, a California Regional Water Quality Control Board, or a city or county.

(k) “Solid Waste Originating in Alameda County” means all Solid Waste discarded within Alameda County unless it was first discarded outside the County and brought into the County for recycling or composting. To have “originated” within a particular jurisdiction means the Solid Waste was first discarded in that jurisdiction unless it was first discarded outside that jurisdiction and brought into that jurisdiction for recycling or composting.

(l) “Solid Waste Enterprise” means any government agency, individual, partnership, joint venture, unincorporated private organization or private corporation that collects, transports, transfers, processes or disposes of Solid Waste originating in Alameda County that is eventually Deposited In Landfills.

(m) “Solid Waste” means all materials of any kind or nature as defined in Public Resources Code Section 40191.

SECTION 4 (Facility Fee Collection for Disposed Waste Deposited in Landfills)

Solid Waste Enterprises shall collect and remit to the Authority a Facility Fee of \$4.34 on each ton of Disposed Waste that is handled or received by the Solid Waste Enterprise, as follows:

(a) A Solid Waste Enterprise that operates a Permitted Waste Facility landfill in the County shall collect and remit the fee on all tons of Disposed Waste Deposited At The Landfill. However, the operator of the Permitted Waste Facility landfill in the County need not collect or remit the fee if some other Solid Waste Enterprise has assumed this obligation and the Solid Waste Enterprise provides written evidence of this fact to the Executive Director.

(b) A Solid Waste Enterprise that operates a non-disposal Permitted Waste Facility in the County shall collect and remit the fee on all tons of Disposed Waste Originating in Alameda County that are transferred to Permitted Waste Facilities or other Solid Waste Enterprises outside Alameda County and eventually Deposited in Landfills. However, the operator of the non-disposal Permitted Waste Facility in the County need not collect or remit the fee if the receiving Permitted Waste Facility or other Solid Waste Enterprise, or the entity producing or contracting for the transport of the Disposed Waste, has assumed this obligation and the Solid Waste Enterprise provides written evidence of this fact to the Executive Director.

(c) A Solid Waste Enterprise that directly transports Disposed Waste Originating in Alameda County from within the County to an out-of-county, in-state Permitted Waste Facility or other Solid Waste Enterprise shall collect and remit the fee for each ton of Disposed Waste it delivers to the Permitted Waste Facility or other Solid Waste Enterprise that is eventually Deposited In Landfills. However, such Solid Waste Enterprise need not collect or remit the fee if the receiving Permitted Waste Facility or other Solid Waste Enterprise, or the entity producing or contracting for the transport of the Disposed Waste, has assumed this obligation and the Solid Waste Enterprise provides written evidence of this fact to the Executive Director.

SECTION 5 (Facility Fee Collection for Other Waste Deposited in Landfills)

Solid Waste Enterprises shall collect and remit to the Authority a Facility Fee of \$4.34 on each ton of Other Waste that is handled or received by the Solid Waste Enterprise, as follows:

(a) A Solid Waste Enterprise that operates a Permitted Waste Facility landfill in the County shall collect and remit the fee on all tons of Other Waste Deposited At The Landfill. However, the operator of the Permitted Waste Facility landfill in the County need not collect or remit the fee if some other Solid Waste Enterprise has assumed this obligation and the Solid Waste Enterprise provides written evidence of this fact to the Executive Director.

(b) A Solid Waste Enterprise that operates a non-disposal Permitted Waste Facility in the County shall collect and remit the fee on all tons of Other Waste

Originating in Alameda County that are transferred to Permitted Waste Facilities or other Solid Waste Enterprises outside Alameda County and eventually Deposited in Landfills. However, the operator of the non-disposal Permitted Waste Facility in the County need not collect or remit the fee if the receiving Permitted Waste Facility or other Solid Waste Enterprise, or the entity producing or contracting for the transport of the Other Waste, has assumed this obligation and the Solid Waste Enterprise provides written evidence of this fact to the Executive Director.

(c) A Solid Waste Enterprise that directly transports Other Waste Originating in Alameda County from within the county to an out-of-county, in-state Permitted Waste Facility or other Solid Waste Enterprise shall collect and remit the fee for each ton of Other Waste it delivers to the Permitted Waste Facility or other Solid Waste Enterprise that is eventually Deposited In Landfills. However, such Solid Waste Enterprise need not collect or remit the fee if the receiving Permitted Waste Facility or other Solid Waste Enterprise, or the entity producing or contracting for the transport of the Other Waste, has assumed this obligation and the Solid Waste Enterprise provides written evidence of this fact to the Executive Director.

SECTION 6 (Payover Schedule)

The Solid Waste Enterprise shall remit the Facility Fee, or provide written evidence of the assumption of this obligation by others, for all tons of Solid Waste subject to the fee, to the Executive Director by the 15th day of each month for Solid Waste collected in the preceding month. If payment for the Facility Fee is not received by the Authority on or before the due date, it shall be deemed delinquent, and the Authority shall consider the Solid Waste Enterprise to have violated this Ordinance for each day that the fee is overdue. If the Facility Fee is not received by the Authority within sixty (60) days of the due date, the amount due and unpaid shall also be subject to a late charge at the interest rate the Authority would have earned on such funds.

SECTION 7 (Reporting)

(a) Each Solid Waste Enterprise subject to the fee collection requirements specified in Section 4 or 5 shall report to the Executive Director the weight of Solid Waste physically collected from within each Jurisdiction of Origin, the Permitted Waste Facilities or other Solid Waste Enterprises to which Solid Waste is delivered, and the weight of Solid Waste that is ultimately Deposited in Landfills and therefore subject to the Facility Fee. To that end:

(1) Each Solid Waste Enterprise shall ensure that all Solid Waste it transports, transfers, processes or receives is accurately weighed (or its weight is accurately estimated if the Solid Waste Enterprise demonstrates to the Executive Director that weighing is impractical and the method for the

estimate provides a reasonable approximation of the tonnage) unless the owner of a Permitted Waste Facility receiving Solid Waste from the Solid Waste Enterprise, or the entity producing or contracting for the transport of the Solid Waste, assumes this obligation, and written evidence of this assumption of the obligation is provided to the Executive Director by the Solid Waste Enterprise that would otherwise have this obligation. These weights shall be used for purposes of reporting tonnage under this Ordinance.

(2) Each Solid Waste Enterprise shall keep records of the tonnage of Solid Waste from each Jurisdiction of Origin for all Solid Waste it transports, transfers, processes or receives (or shall keep records of an accurate estimate of the tonnage if the Solid Waste Enterprise demonstrates to the Executive Director that determination of the Jurisdiction of Origin is not possible and the method for the estimate provides a reasonable approximation of the tonnage) unless some other Solid Waste Enterprise assumes this obligation, and written evidence of this assumption of the obligation is provided to the Executive Director by the Solid Waste Enterprise that would otherwise have this obligation. These records shall be used for purposes of reporting tonnage under this Ordinance.

(3) Each Solid Waste Enterprise shall report to the Executive Director the full names and addresses of the permitted and un-permitted facilities, if any, to which it delivers Disposed Waste and to which it delivers Other Waste.

(4) Each Solid Waste Enterprise shall report to the Executive Director by Jurisdiction of Origin the tons of Solid Waste that it transports, transfers, processes or receives that are ultimately Deposited in Landfills. For each Jurisdiction of Origin, the reports shall identify the tons of total Other Waste, separately identifying the tons of Other Waste pursuant to subsections (i), (ii) and (iii) of the definition of Other Waste in Section 3 of this Ordinance. With respect to the tons of Other Waste under subsection (i) of the definition of Other Waste in Section 3 of this Ordinance, the reports of Solid Waste Enterprises that operate a Permitted Waste Facility landfill shall identify the tons used for (A) alternative daily or intermediate cover, separately identifying processed green material, sludge and sludge derived materials, ash and cement kiln dust materials, auto shredder waste, contaminated sediment, dredge spoils, foundry sands, energy resource exploration and production wastes, compost materials, processed construction and demolition wastes and materials, and shredded tires, (B) final cover foundation layer, (C) liner operations layer, (D) leachate and gas collection system materials, (E) construction fill, (F) road base; (G) wet

weather operations pads and access roads, and (H) soil amendments for erosion control and landscaping. The reports of Solid Waste Enterprises that do not operate a Permitted Waste Facility landfill shall identify A through H above if such information is available. If the Jurisdiction of Origin is unknown and cannot be estimated, the Solid Waste Enterprise shall indicate the tonnage for which the Jurisdiction of Origin is unknown and demonstrate why it cannot be determined or estimated.

(b) The Solid Waste Enterprise shall report the information described in this Section to the Authority on a monthly basis, by the 15th day following the end of the month in which the Solid Waste was collected, received or transported.

(c) An extension of the deadline specified in subdivision (b) of this Section may be granted by the Executive Director upon a showing of good cause. In the event that a Solid Waste Enterprise fails to meet this required deadline, the Authority shall consider the Solid Waste Enterprise to have violated this Ordinance for each day that the report is overdue.

SECTION 8 (Information Format)

All of the information required by this Ordinance to be transmitted to the Authority shall be transmitted in a form that has been reviewed and approved in writing by the Executive Director.

SECTION 9 (Record Retention and Inspection)

All records prepared pursuant to and documenting compliance with this Ordinance shall be maintained for a period of at least five years. If the Solid Waste Enterprise has an office in the County, the records shall be maintained within the County. The Solid Waste Enterprise shall provide a copy of such records upon receipt of a written request from a representative of the Authority. The Authority may inspect and audit the operations and records of Solid Waste Enterprises in order to ensure compliance with fee payment and reporting requirements.

SECTION 10 (Appeal)

(a) If a Solid Waste Enterprise experiences unique circumstances that make it impossible to comply with Sections 7 through 9 of this Ordinance, the Solid Waste Enterprise may appeal the requirements of those Sections to the Executive Director. The appealing enterprise must propose an alternative or alternatives to the requirements of those Sections. The Executive Director may grant the appeal if she/he finds that a proposed alternative satisfies the purposes of those Sections.

(b) Decisions of the Executive Director may be appealed to the Board, which

shall make its determination according to the criteria in subdivision (a) of this Section.

SECTION 11 (Enforcement)

(a) Violation of any provision of this Ordinance may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, the Authority may recover its attorneys' fees and costs from any person who is determined by a court of competent jurisdiction to have violated this Ordinance.

(b) Violation of any requirement of this Ordinance shall constitute a misdemeanor punishable by a fine not to exceed \$500 for the first violation, a fine not to exceed \$750 for the second violation within one year, and a fine not to exceed \$1000 for each additional violation within one year. Violation of any requirement of this Ordinance may also be enforced as an infraction punishable by a fine not to exceed \$100 for the first violation, a fine not to exceed \$200 for the second violation within one year and a fine not to exceed \$500 for each additional violation within one year. Each Ordinance requirement violated shall constitute a separate violation for each day on which a violation of the requirement occurs. The Authority may recover costs and attorneys' fees incurred in connection with successful enforcement of this Ordinance.

(c) Violation of any provision of this Ordinance shall constitute grounds for assessment of an administrative citation and fine by the Authority in accordance with Government Code section 53069.4 or as the code shall subsequently be amended or reorganized. A separate citation and fine may be imposed for each requirement of this Ordinance violated for each day on which a violation occurs. The fine shall not exceed the amounts detailed in Section 11(b) of this Ordinance. The citation shall list the specific violation and fine amount and describe how to pay the fine and how to request an administrative hearing to contest the citation. The fine must be paid within 30 days of the citation and must be deposited prior to any requested hearing. A hearing will be held only if it is requested within 30 days of the citation. Evidence may be presented at the hearing. The Executive Director, or its designee, shall conduct the hearing and issue a final written order. If it is determined that no violation occurred, the amount of the fine shall be refunded. The Authority shall serve the final order on the party assessed an administrative citation by first class mail. The Authority may recover costs and attorneys' fees incurred in connection with successful enforcement of this Ordinance.

(d) Enforcement pursuant to this Section shall be undertaken by the Authority through its Executive Director, counsel or designated representative. Any amount due as a result of an enforcement action shall be in addition to any other amounts due, and the violator must still comply with all provisions of this Ordinance.

SECTION 12(Severability)

If any provision of this Ordinance or its application to any situation is held to be

(d) Enforcement pursuant to this Section shall be undertaken by the Authority through its Executive Director, counsel or designated representative. Any amount due as a result of an enforcement action shall be in addition to any other amounts due, and the violator must still comply with all provisions of this Ordinance.

SECTION 12(Severability)

If any provision of this Ordinance or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 13 (Notice and Verification)

This Ordinance shall be posted at the Authority Office after its second reading by the Board for at least thirty (30) days and shall become effective thirty (30) days after the second reading.

Passed and adopted this 16th day of December, 2009, by the following vote:

AYES: Carson, Freitas, Green, Hildenbrand, Keating, Sullivan, Quan, Waespi, West, Wile, Williams, Wozniak

NOES: Landis

ABSTAINING: None

ABSENT: Henson, Johnson, Natarajan, Santos

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of the ORDINANCE NO. 2009-01.



GARY WOLFF
EXECUTIVE DIRECTOR