

Appendix H

Sample Regional Agreements

INTER-JURISDICTIONAL COOPERATIVE AGREEMENT

FOR PRODUCTION AND DISTRIBUTION OF AN UPDATED REUSE AND REPAIR GUIDE:

The County of Humboldt and the Del Norte Solid Waste Management Authority agree to cooperate in the revision, production and distribution of a booklet listing businesses in both counties which provide reuse, repair and rental opportunities to residents.

Revisions to the existing 1996 guide, entitled "Finding Local Resources Humboldt County's Guide to Secondhand Rental and Repair Services" shall be conducted by Humboldt County staff with review for completeness and correctness of Del Norte County entries by Del Norte SWMA staff.

Title, format and content shall be subject to review and approval by both parties prior to completion of the final draft.

Upon receipt of written approval from the Director of the Del Norte SWMA, Humboldt County staff will produce printed copies for use in Humboldt County and will provide to the Del Norte SWMA 10 printed copies, a camera-ready original for reprinting, and an electronic copy of all listings in Word 97 and Excel 97 formats.

Each party shall be responsible for all costs incurred by it in fulfilling its commitments under this agreement. Any changes to this agreement shall not be effective unless made in writing and agreed to by both parties. In the event that the parties cannot agree on either the title, format and content of the guide, or changes to the agreement requested by one of the parties, this agreement shall terminate upon notice of either party to the other, at the addresses noted below. In the event of termination of this agreement prior to completion of the project, Del Norte SWMA shall be entitled to receive an electronic copy of all listings in both Word 97 and Excel 97 formats, as they exist as of the date of termination of the agreement.

BY: _____
Kevin Hendrick, Executive Director
Del Norte Solid Waste Mgmt Authority
391 Front Street
Crescent City, CA 95531

DATE _____

BY: _____
Liz Citrino, Integrated Waste Mgr.
Humboldt Co. Div. Of Env. Health
100 H Street, suite 100
Eureka, CA 95501

DATE: _____

Purpose of a Regional Agency

As explained in [Public Resources Code \(PRC\) Section 40970](#), cities and counties are authorized to form "regional agencies." Regional agencies (RA) are allowed to measure diversion jointly, which in essence averages the diversion among the participating jurisdictions. RAs can report diversion and disposal numbers as one entity instead of by jurisdiction.

How to Become a Regional Agency

Jurisdictions form an RA by first forming a "Joint Powers Authority" (JPA), as allowed under [Government Code section 6500 et seq.](#) If jurisdictions already belong to a JPA for a specific purpose, such as funding landfill closure costs, the existing JPA can be expanded to meet the RA requirements, or an entirely new JPA can be established in order to form an RA. If cities and counties form a JPA to meet the six requirements of PRC Section 40975, then, after the Integrated Waste Management Board reviews and approves the JPA as meeting those requirements, the JPA can be considered an RA. A regional agency can submit annual reports, disposal reports, and other reporting data as one unit without reporting information for each jurisdiction. Time and money saved on reporting could be redirected toward implementing diversion programs.

The agreement to form the JPA must meet, at a minimum, all of the following provisions to be considered as an agreement to form an RA (PRC Section 40975):

1. List the member jurisdictions and describe the RA, including the name and address.
2. Describe the method by which any civil penalties imposed by the Board will be allocated among the cities or counties that are members of the RA.
3. Describe a contingency plan that shows how each city or county will comply with the planning and waste diversion requirements in the event that the RA is abolished.
4. Describe the duties and responsibilities of each member jurisdiction demonstrating that the city or county will comply with the planning and waste diversion requirements.
5. Describe the [source reduction](#), [recycling](#), and [composting](#) programs to be implemented by the RA. These programs shall be at least as effective in meeting the diversion requirements as those that each city or county has proposed in its [source reduction and recycling element](#).
6. Any other additional element as determined to be needed by the jurisdictions that are members of the RA.

What Should be Considered When Becoming a Regional Agency

Many factors should be considered before becoming a regional agency, some factors are political and some practical. For example, some cities may want to designate the RA to make political decisions on their behalf. In that case, members should consult with their legal counsels to discuss the costs and benefits and ensure the JPA agreement is written to specifically address the issue. If the members allow the JPA to approve planning documents on their behalf, it could reduce the time needed to prepare and submit plans to the Board

by having one local approving body rather than several.

The section of a JPA that is difficult for most jurisdictions to agree on is the section discussing civil penalty allocations. The allocations can be assigned on a pro-rata basis by tonnage or population; however, whatever the jurisdictions agree on must clearly allocate civil penalties in the event the Board imposes a financial penalty.

Also, when forming a RA, it helps to consider all the upcoming contracts for solid waste services that could be negotiated by the RA instead of individual member jurisdictions. Sometimes it is more cost-effective to have one entity manage solid waste projects than to have several smaller entities manage many projects. Every area that the jurisdictions wish to assign responsibility to the JPA, should be explicitly described in the agreement.

In summary, if jurisdictions find it beneficial to report and measure diversion rate achievement together, then a RA needs to be formed to do so. All roles of the RA and each member jurisdiction should be outlined in the agreement. If you have any further questions about regional agencies, contact your [Office of Local Assistance representative](#) or use the links below.

[List of Board-Approved Regional Agencies](#)

[Local and Regional Summary Home](#)

[Diversion Rate Measurement Home](#)

[Annual Report Home](#)

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Local Government Central <http://www.ciwmb.ca.gov/LGCentral/>

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Relevant California Public Resources Code Sections

Division 30. Waste Management Part 2. Integrated Waste Management Plans CHAPTER 1. Plan Preparation Article 3. Regional Agencies

40970. It is the intent of the Legislature in enacting this article to authorize cities and counties to form regional agencies to implement this part in order to reduce the cost of reporting and tracking of disposal and diversion programs by individual cities and counties and to increase the diversion of solid waste from disposal facilities. It is further the intent of the Legislature that this part be binding upon, and enforceable against, the individual cities and counties which are member agencies of the regional agency. It is not the intent of the Legislature in enacting this article to diminish the responsibility of individual cities and counties to implement source reduction, recycling, and composting programs as required by this part.

40971. A city or county may form a regional agency with another city or county for the purpose of complying with this part. Formation of the regional agency is voluntary and, except as provided under Section 40975, shall be subject to the terms and conditions set out in the agreement pursuant to which the regional agency is formed.

40972. This part is binding upon, and enforceable against, the individual cities and counties which are member agencies of the regional agency. However, an agreement adopted pursuant to this article may apportion responsibilities for the implementation of this part among the cities and counties which are member agencies of the regional agency. Nothing in this section is intended to prohibit a city or county which is a member agency of a regional agency from preparing and submitting to the board for review and approval a source reduction

and recycling element or household hazardous waste element.

40973. (a) The regional agency, and not the cities or counties that are member agencies of the regional agency, may be responsible for compliance with Article 1 (commencing with Section 41780) of Chapter 6 if specified in the agreement pursuant to which the regional agency is formed.

(b) Notwithstanding Section 41782, except as provided in subdivision (c), if a regional agency has been specified in the regional agency formation agreement as the responsible party for compliance with Article 1 (commencing with Section 41780) of Chapter 6 of Part 1, neither the regional agency nor any member jurisdiction of the regional agency shall be eligible for a reduction of the diversion requirements of Section 41780.

(c) The regional agency may be eligible for a reduction of diversion and planning requirements if all member jurisdictions of a regional agency are rural cities or rural counties, as defined, respectively, in Sections 40183 and 40184.

(d) The regional agency may be eligible for a reduction of planning requirements if all member jurisdictions of a regional agency are cities located in both a rural area and a rural county, as defined in Section 40184, and an unincorporated portion of a county.

(e) (1) If, pursuant to subdivision (a), a regional agency is specified in the regional agency formation agreement as the responsible party for compliance with Article 1 (commencing with Section 41780) of Chapter 6, the regional agency shall not be comprised of more than two counties and all

of the cities within those two counties, except as otherwise authorized by the board.

(2) The board may authorize the formation of a regional agency that exceeds two counties and all of the cities within those two counties, for purposes of compliance with Article 1 (commencing with Section 41780) of Chapter 6, if the board finds that the formation of the regional agency will not adversely affect compliance with this part.

40974. Notwithstanding Section 40972, each city or county which is a member agency of a regional agency is liable for any civil penalties which may be imposed by the board pursuant to Section 41813 or 41850. However, an agreement which establishes a regional agency may apportion any civil penalties between or among the cities or counties which are member agencies of the regional agency if the total amount of civil penalties which may be imposed against the regional agency is equivalent to that amount which is the sum of the penalties which may be imposed against each city or county which is a member agency of the regional agency.

40975. (a) Any agreement forming a regional agency shall be submitted to the board for review and approval at the time the regional agency integrated waste management plan is submitted to the board for review and approval.

(b) Any agreement forming a regional agency shall, at minimum, contain all of the following provisions:

(1) A listing of the cities and counties which are member agencies of the regional agency, and a description of the regional agency, including the name and address of the regional agency.

(2) Consistent with Section 40974, a description of the method by which any civil penalties imposed by the board pursuant to Sections 41813 and 41850 will be allocated

among the cities or counties which are member agencies of the regional agency.

(3) A contingency plan which shows how each city or county which is a member agency of the regional agency will comply with the requirements of this part, including, but not limited to, Article 1 (commencing with Section 41780) of Chapter 6, in the event that the regional agency is abolished.

(4) A description of the duties and responsibilities of each city or county which is a member agency of the regional agency which demonstrates that the city or county will comply with Article 1 (commencing with Section 41780) of Chapter 6.

(5) A description of source reduction, recycling, and composting programs to be implemented by the regional agency. Those programs shall be at least as comprehensive and effective in meeting the requirements of Article 1 (commencing with Section 41780) of Chapter 6 as those which each city or county which is a member agency of the regional agency has proposed in its source reduction and recycling element.

(6) Any other additional element as determined to be needed by the cities or counties which are member agencies of the regional agency.

40976. A city, county, or regional agency may enter into a memorandum of understanding with another city, county, regional agency, agency formed under a joint exercise of powers agreement, or district established to manage solid waste for the purpose of preparing and implementing source reduction and recycling elements, household hazardous waste elements, or a countywide or regional agency integrated waste management plan.

40977. A regional agency may authorize one district, as defined in subdivision (a) of Section 41821.2, to be included as a member of the regional agency.