

## RESOLUTION NO.

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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### RESOLUTION APPROVING THE THIRD AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT WITH SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY FOR COUNTY SERVICE AREA NO. 8 (NORTH FAIR OAKS) AND THE COUNTY FRANCHISED AREA

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, the South Bayside Waste Management Authority was formed under a Joint Exercise of Powers Agreement, pursuant to California Government Code § 6500 *et seq.*, on December 9, 1999, by twelve San Mateo County Member Agencies to provide a regional approach to the collection and disposition of solid waste, recyclable materials, and organic materials; and

**WHEREAS**, in December of 2020, the Town of Atherton withdrew from the South Bayside Waste Management Authority, so the South Bayside Waste Management Authority is currently comprised of eleven Member Agencies; and

**WHEREAS**, the South Bayside Waste Management Authority Member Agencies has amended, and restated the Joint Exercise of Powers Agreement twice: on January 17, 2006, and June 19, 2019, and the most recently adopted version of the Joint Exercise of Powers Agreement is known as the Second Amended and Restated Joint Exercise of Powers Agreement; and

**WHEREAS**, California Government Code Section 6509 provides that an agency created by a Joint Powers Agreement should be subject to the powers, and limitations of one of its members to be designated in the Agreement, which the current Agreement does not do; and

**WHEREAS**, SBWMA staff has prepared the amendment to the Agreement language addressing outdated provisions; which are set forth in the Third Amended and Restated Joint Exercise of Powers Agreement; and

**WHEREAS**, Article 17 of the Third Amended and Restated Joint Exercise of Powers Agreement requires that amendments to the Agreement be approved by 2/3 of the Member Agencies of the SBWMA, which is equal to eight of the eleven Members; and

**WHEREAS**, adoption of the Third Amended and Restated Joint Powers Agreement is a governmental organizational activity, and is therefore exempt from California Environmental Quality Act (CEQA) review because it is not a project within the meaning of CEQA; and CEQA Guideline 15378 defines "Project" for CEQA purposes; Section 15378 (b) states that Project does NOT include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that this Board hereby approves the Third Amended and Restated Joint Exercise of Powers Agreement, attached hereto as **Exhibit A**.

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