

**Memorandum
Office of Jenine Windeshausen
Treasurer-Tax Collector**



To: The Board of Supervisors
From: Jenine Windeshausen, Treasurer-Tax Collector
Date: August 9, 2022
Subject: Financing by the Western Placer Waste Management Authority of the Expansion of its Materials Recovery Facility and Sanitary Landfill

Action Requested

- 1) Conduct a public hearing to hear and consider information concerning (i) a proposed financing by the Western Placer Waste Management Authority (the "Authority") to provide funds for the expansion of a Materials Recovery Facility and improvements to the Western Regional Sanitary Landfill owned and operated by the Authority (the "Project") located in the unincorporated territory of the County and the substantial public benefits of such financing by the Authority in accordance with the criteria specified in Section 6586 of the California Government Code.
- 2) Adopt a Resolution Approving a Financing by the Western Placer Waste Management Authority of the Expansion of its Materials Recovery Facility and Sanitary Landfill.

Background

The Western Placer Waste Management Authority (WPWMA) owns and operates a sanitary landfill and materials recovery facility in the unincorporated area of Placer County. WPWMA is a joint powers authority formed in 1978 for the purpose of owning and managing a sanitary landfill and related equipment. The WPWMA members are Placer County and the cities of Lincoln, Rocklin and Roseville. Additionally, the cities of Auburn and Colfax have franchise agreements related to garbage collection that is transferred to and processed by WPWMA. All the cities utilizing WPWMA sanitary landfill are located entirely within Placer County.

To meet the demand from anticipated population growth and to comply with solid waste diversion goals required by the CalRecycle Short-lived Climate Pollutants: Organic Waste Reductions regulations", the Authority has concluded that it is in the public interest to undertake a project to expand the capacity of the Materials Recovery Facility and to acquire and construct a waste cell (Module 6) at the Western Regional Sanitary Landfill (the "Project"). WPWMA has entered into a contract with FCC Environmental Services, LLC (FEC) for modification and upgrade of the Materials Recovery Facility, Construction and Demolition Debris Processing Area Organics Management Area (referred collectively to as the "MRF"). The WPWMA is in the process of securing financing for these upgrades in the maximum principal amount of \$130 million.

Because the County is the entity which encompasses all the members of the WPWMA, Bond Law requires that the County approve the proposed financing by the Authority and that the County make certain findings with respect to such financing. Bond Law further requires that such approval be given and findings be made only after a noticed public hearing.

After the public hearing, your Board is requested to adopt the attached Resolution approving the issuance of bonds in a principal amount not to exceed \$130,000,000 and making the finding that the issuance of bonds for the purpose of financing the project is of significant public benefit related to savings in bond preparation, bond underwriting and bond issuance costs. The resolution further provides authorization and direction for the Chair of the Board, the County Executive Officer, the Treasurer-Tax Collector, the Clerk of the Board and other officers to take the actions necessary to complete the bond transaction.

Fiscal Impact

There is no fiscal impact to the County. The obligations and responsibilities related to the issuance of debt by the WPWMA are solely the responsibility and obligations of the WPWMA.

Attachment

Resolution Approving a Financing by the Western Placer Waste Management Authority of the Expansion of its Materials Recovery Facility and Sanitary Landfill

Before the Board of Supervisors County of Placer, State of California

In the matter of:

Resolution No: _____

Approving a Financing by the Western Placer Waste Management Authority of the Expansion of its Materials Recovery Facility and Sanitary Landfill

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held August 9, 2022, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, the Western Placer Waste Management Authority (the "Authority") is a joint exercise of powers authority organized and existing under the Joint Exercise of Powers Law (constituting Chapter 5 of Division 7 of Title 1 of the California Government Code) (the "Act") and a Joint Exercise of Powers Agreement, dated as of October 3, 1978 (as amended, the "Agreement"), by and among the County of Placer and the Cities of Roseville (the "City of Roseville"), Rocklin (the "City of Rocklin"), and Lincoln (the "City of Lincoln"); together with the City of Roseville and the City of Rocklin, the "Cities"; and

WHEREAS, the Cities are located entirely within the County; and

WHEREAS, under the Agreement, the Authority owns and operates the Western Regional Sanitary Landfill and the Materials Recovery Facility, which are located in the unincorporated territory of the County; and

WHEREAS, the City of Lincoln and the Authority are parties to an Agreement for Delivery of Solid Waste Between the Western Placer Waste Management Authority and the City of Lincoln dated April 22, 2022, under which the City of Lincoln agreed, among other things, to deliver to the Authority all solid waste collected within the City of Lincoln by City-operated programs and any franchise or other contractual agreements between the City of Lincoln and a solid waste enterprise; and

WHEREAS, the County and the Authority are parties to an Agreement for Delivery of Solid Waste Between the Western Placer Waste Management Authority and the County of Placer dated April 22, 2022, under which the County agreed, among other things, to deliver to the Authority all solid waste collected within the County by County-operated programs and any franchise or other contractual agreements between the County and a solid waste enterprise; and

WHEREAS, the City of Rocklin and the Authority are parties to an Agreement for Delivery of Solid Waste Between the Western Placer Waste Management Authority and the City of Rocklin dated April 22, 2022, under which the City of Rocklin agreed, among other things, to deliver to the Authority all solid waste collected within the City of Rocklin by City-operated programs and any franchise or other contractual agreements between the City of Rocklin and a solid waste enterprise; and

WHEREAS, the City of Roseville and the Authority are parties to an Agreement for Delivery of Solid Waste Between the Western Placer Waste Management Authority and the City of Roseville dated April 22, 2022, as amended, under which the City of Roseville agreed, among other things, (i) prior to July 1, 2025, to deliver, or cause to be delivered, to the Authority per fiscal year (July 1 to June 30) all co-collected residential greenwaste and foodwaste, and all Construction and Demolition waste collected within the geographic jurisdiction of the City of Roseville by City-operated programs and any franchise or other contractual agreements between the City of Roseville and a solid waste enterprise, (ii) after July 1, 2025 until the expiration of the agreement, to deliver, or cause to be delivered, to the Authority per fiscal year a minimum of 38,000 tons of Mixed Solid Waste, a minimum of 9,000 tons of co-collected residential greenwaste and foodwaste, and all Construction and Demolition waste collected within the geographic jurisdiction of the City of Roseville (collectively, the "City Minimum Amounts") by City-operated programs and any franchise or other contractual agreements between the City of Roseville and a solid waste enterprise and (iii) the City of Roseville reserved the right to deliver co-collected residential greenwaste and foodwaste to another facility if the Authority is unable to accept such waste; and

WHEREAS, in order to meet the demand from anticipated population growth and to comply with solid waste diversion goals required by the CalRecycle Short-lived Climate Pollutants: Organic Waste Reductions regulations, California Code of Regulations Title 14, Division 7, Chapter 3 et seq. ("SB1383") and the California Green Building Standards Code, California Code of Regulations Title 24, Part 11 et seq ("CalGreen"), the Authority has concluded that it is in the public interest to undertake a project to expand the capacity

of the Materials Recovery Facility and to acquire and construct a waste cell (Module 6) at the Western Regional Sanitary Landfill (the "Project"); and

WHEREAS, on March 10, 2011, pursuant to Resolution No. 11-01, the Board of Directors of the Authority adopted a Mitigated Negative Declaration for the expansion of the capacity of the Materials Recovery Facility and approved the Mitigation Monitoring and Reporting Program; and

WHEREAS, on August 10, 2000, pursuant to Resolution No. 00-04, the Board of Directors of the Authority certified the Final Supplemental Environmental Impact Report for the Western Regional Sanitary Landfill that covers the Landfill project and approved the Mitigation Monitoring and Reporting Program; and

WHEREAS, the Authority has informed the County that it wishes to issue revenue bonds (the "Bonds") to finance the costs of the Project under Article 4 of the Act (the "Bond Law"); and

WHEREAS, as a condition precedent to the issuance by the Authority of the Bonds to provide financing for the Project, Section 6586.5 of the Bond Law requires that the County approve the proposed financing by the Authority and that the County make certain findings with respect to such financing, and Section 6586.5 further requires that such approval be given and findings be made only after a noticed public hearing; and

WHEREAS, as required by Section 6586.5 of the Bond Law, the County has caused publication of a notice of a public hearing on the financing of the Project once at least five days prior to the hearing in a newspaper of general circulation in the County; and

WHEREAS, on the date hereof, the Board of Supervisors held a public hearing at which all interested persons were provided the opportunity to speak on the subject of financing the Project; and

WHEREAS, the Board of Supervisors wishes at this time to approve all proceedings to which it is a party relating to the issuance and sale of the Bonds and the financing of the Project;

BE IT RESOLVED, by the Board of Supervisors, County of Placer, State of California, as follows:

Section 1. Issuance of Bonds; Findings. The Board of Supervisors hereby approves the issuance of the Bonds by the Authority under the Bond Law in the maximum principal amount of \$130,000,000, for the purpose of providing funds to finance the Project.

Pursuant to the Bond Law, and based on the information provided to the Board of Supervisors by County staff and consultants, all as set forth in the proceedings and documents providing for the issuance and delivery of the Bonds, the Board of Supervisors hereby finds and determines that the issuance of the Bonds and the transactions related thereto will result in significant public benefits within the contemplation of Section 6586 of the Bond Law, namely, demonstrable savings in bond preparation, bond underwriting and bond issuance costs.

Section 2. Official Actions. The Chair of the Board, the County Executive Officer, the Treasurer-Tax Collector, the Clerk of the Board and all other officers of the County are each authorized and directed on behalf of the County to take any and all actions and to make any and all certificates, agreements, notices, consents, and other documents, which they or any of them deem necessary or appropriate in order to consummate any of the transactions contemplated by this Resolution.

Section 3. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.