

INTEGRATED WASTE MANAGEMENT TASK FORCE AUTHORITY REGARDING PENDING LEGISLATION

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INTEGRATED WASTE MANAGEMENT ACT

The County's Integrated Waste Management Task Force ("Task Force") was created to comply with California's Integrated Waste Management Act of 1990, which requires each county to adopt an Integrated Waste Management Plan and to **"convene a task force to assist in coordinating" the development of city and county source reduction and recycling.** See Pub. Resources Code §§ 40900, 40950.

TASK FORCE RESPONSIBILITIES UNDER THE ACT

“To ensure a coordinated and cost-effective regional recycling system,” the Integrated Waste Management Act assigns county task forces with the directives described below.

These directives can be thought of as the **responsibilities** of the Task Force, as required by the State of California.

These **responsibilities** are as follows:

1. “Identify solid waste management issues of countywide or regional concern”
2. “Determine the need for solid waste collection and transfer systems, processing facilities, and marketing strategies that can serve more than one local jurisdiction within the region.”
3. “Facilitate the development of multijurisdictional arrangements for the marketing of recyclable materials.”
4. “[F]acilitate resolution of conflicts and inconsistencies between or among city and county source reduction and recycling elements.”

See Pub. Resources Code § 40950.

COUNTIES CAN EXPAND OR LIMIT RESPONSIBILITIES

- Despite the responsibilities mentioned above, the Integrated Waste Management Act specifies that the “task force shall develop goals, policies, and procedures which are consistent with the guidelines and regulations adopted by the board, to guide the development of the siting element of the county waste management plan.”
- The Waste Management Act sets forth no further directives for these task forces thereby leaving it up to individual counties to decide if their specific task forces should have any additional responsibilities.
- Thus, as a subdivision of the State, **each county can expand or limit the responsibilities of its task force, so long as those expansions or limitations are consistent with the responsibilities set forth in the Integrated Waste Management Act.**

See Pub. Resources Code § 40950.

LA COUNTY'S TASK FORCE ORDINANCE

- In 1990, Los Angeles County adopted an ordinance to convene this Integrated Waste Management Task Force in compliance with the Integrated Waste Management Act.
- The County's ordinance sets forth the parameters of this Task Force and expands its responsibilities beyond those set forth in the Integrated Waste Management Act.
- The Task Force responsibilities and parameters as set forth in the County's ordinance can be found in Chapter 3.67 of the Los Angeles County Code. They include:
 - "Monitor, analyze and review legislative bills, and propose legislation as needed"
 - "Recommend policy on matters involved in the County Solid Waste Management Plan"
 - "[P]repare and recommend model ordinances and minimum standards for adoption by local jurisdictions"

THE TASK FORCE IS SUBJECT TO APPLICABLE COUNTY POLICIES

- As a County convened commission, this Task Force is subject to all applicable County policies and regulations, beyond just Chapter 3.67 of the County Code, so long as those County policies and regulations are not inconsistent with the Integrated Waste Management Act.
- Chapter 7.030 of the Los Angeles County Board Policy Manual specifies that “the County’s position to be advanced before the State Legislature and the United States Congress by County representatives must be coordinated in order to ensure a consistent and harmonious presentation.”
- The Chapter 7.030 Board Policy specifies that, **“no County Department or commission may take an advocacy position on any legislation.”**
- Despite this restriction, County commissions may recommend positions on pending legislation. The CEO will review these recommendations to ensure they are consistent with County policy and direct them to the Board for consideration.

CONCLUSION

In sum...

- California's Integrated Waste Management Act assigns this Task Force several responsibilities as part of this Task Force's directive to assist in coordinating the development of source reduction and recycling elements.
- Nonetheless, as a County convened commission, the County may limit or expand the responsibilities of the Task Force, so long as those expansions or limitations are consistent with the Integrated Waste Management Act.
- Los Angeles County's Board Policy Manual specifies that no County Department or commission may take an advocacy position on any legislation.
- Without specific State authority providing otherwise, the Integrated Waste Management Task Force must follow this Board Policy and thus cannot take positions on pending legislation.
- All County Commissions have the option to make recommendations on pending legislation to the Board of Supervisors through the CEO.

QUESTIONS?

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