



STAFF REPORT

DATE: MARCH 5, 2013
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROD FOSTER, CITY MANAGER
PREPARED BY: ARTHUR W. MORGAN, ECONOMIC DEVELOPMENT MANAGER
SUBJECT: SUPPORT OF THE RENEWAL, EXPANSION AND RENAMING OF THE SAN BERNARDINO COUNTY RECYCLING MARKET DEVELOPMENT ZONE

RECOMMENDED ACTION

It is recommended that the City Council approve Resolution No. R-07-13 supporting the renewal, expansion and renaming of the San Bernardino County Recycling Market Development Zone (“SBRMDZ”).

GOAL STATEMENT

The proposed action will support the City’s goals to create jobs and enhance commercial activities in the City of Colton.

BACKGROUND

On June 24, 1992, the California Integrated Waste Management Board (“CIWMB”) approved the designation of the former Agua Mansa Enterprise Zone as an appropriate area for a Recycling Market Development Zone. CIWMB found that the Enterprise Zone and the designation of the Agua Mansa RMDZ would enhance job creation, economic development goals and encourage recycling in San Bernardino and Riverside Counties.

The Joint Powers Authority that created the Agua Mansa Industrial Growth Association (AMIGA) provided the joint administration of the Agua Mansa Enterprise Zone. As such, Riverside County, one of the entities in the Agua Mansa Enterprise Zone, was designated as the administrator of the RMDZ.

An RMDZ designation provides for low-interest loans through the CIWMB, for companies that recycle materials and for companies that use recycled materials in the creation of a new product. The goal of the CIWMB is to meet a 50% reduction in landfill waste disposal as mandated by the California Integrated Waste Management Act, and further incentives to meet future mandates.

ISSUES/ANALYSIS

The Agua Mansa Enterprise Zone expired in 2006, however, the Agua Mansa RMDZ does not expire until the end of March, 2013. The County of San Bernardino's Economic Development Agency is seeking to designate a new zone, which will expire in March 2023 unless extended.

In Colton, the boundaries of the Agua Mansa RMDZ mirrored the boundaries of the Agua Mansa Enterprise Zone, but staff is recommending that the new SBRMDZ encompass the entire city, to be sure all businesses that manufacture or handle recycled materials will qualify for any available programs or funding that may be provided by the CIWMB in the future. Inclusion in the SBRMDZ will be available to all cities and areas of the County not currently in an RMDZ. An RMDZ designation does not supersede any zoning ordinances. Local zoning ordinances take precedence.

FISCAL IMPACTS

Individual businesses apply for any low-interest loans or other programs offered by CIWMB, and administration of the program will be provided by the County of San Bernardino's Economic Development Agency. There is no impact to the General Fund.

ALTERNATIVES

1. Provide alternative direction to staff.

ATTACHMENTS

Exhibit A - Resolution No. R-07-13

ATTACHMENT A

Resolution R-07-13

RESOLUTION NO. R-07-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, SUPPORTING THE RENEWAL, EXPANSION AND RENAMING OF THE SAN BERNARDINO COUNTY RECYCLING MARKET DEVELOPMENT ZONE

WHEREAS, the California Public Resources Code Section 42010 provides for the establishment of the Recycling Market Development Zone (RMDZ) program throughout the state to provide incentives to stimulate development of post-consumer and secondary materials markets for recyclables; and

WHEREAS, the Agua Mansa RMDZ currently includes portions of unincorporated San Bernardino and Riverside counties and portions of the cities of Colton, Rialto, Riverside, and San Bernardino; and

WHEREAS, the current Agua Mansa RMDZ shall be:(1) renamed as the San Bernardino County RMDZ;(2) administered by the County of San Bernardino Economic Development Agency; and (3) expanded to include all unincorporated and participating incorporated communities in the County of San Bernardino; and

WHEREAS, the reconstituted San Bernardino County RMDZ shall exclude all communities and cities located in Riverside County; and

WHEREAS, the San Bernardino County RMDZ shall exclude communities currently participating in the Chino Valley, Hesperia and High Desert RMDZs, which includes the municipalities of Apple Valley, Barstow, Chino, Chino Hills, Hesperia, Twentynine Palms, Victorville and Yucca Valley; and

WHEREAS, cities and counties must meet a 50 percent reduction in landfill waste disposal as mandated in the California Integrated Waste Management Act; and

WHEREAS, the San Bernardino County RMDZ is dedicated to establishing, sustaining, and expanding recycling-based manufacturing businesses, which is essential for market development and to assist local jurisdictions to meeting the established landfill reduction goals; and

WHEREAS, the San Bernardino County RMDZ designation will expire in March 2023 unless re-designated by CalRecycle; and

1 **WHEREAS**, the City of Colton still desires existing and new recycling-based
2 manufacturing businesses locating within the region to be eligible for the technical and
3 financial incentives associated with the RMDZ program; and

4 **WHEREAS**, the renewal of the San Bernardino County RMDZ is still necessary to
5 facilitate local and regional planning, coordination, and support of existing recycling-based
6 manufacturing businesses, as well as attract private sector recycling business investments to
7 the region; and

8 **WHEREAS**, the current and proposed waste management practices and conditions are
9 favorable to the development of post-consumer and secondary waste materials markets; and

10 **WHEREAS**, the City of Colton will assist the San Bernardino County RMDZ
11 Administrator market and promote RMDZ benefits, contact prospective businesses, and
12 provide data to complete annual and other reporting documents within their local
jurisdiction; and

13 **WHEREAS**, the San Bernardino County RMDZ does not supersede nor attempt to
14 change local land use, planning and zoning regulations as enforced by the City of Colton;
15 and

16 **WHEREAS**, the City of Colton shall inform economic development and solid waste
17 professionals in their jurisdiction the benefits of the San Bernardino County RMDZ; and

18 **WHEREAS**, the California Legislature has defined environmental justice as "the fair
19 treatment of people of all races, cultures, and incomes with respect to the development,
20 adoption, implementation, and enforcement of environmental laws, regulations, and
21 policies" [Government Code section 65040.12(e)], and has directed the California
22 Environmental Protection Agency to conduct its programs, policies, and activities that
23 substantially affect human health or the environment in a manner that ensures the fair
24 treatment of people of all races, cultures, and income levels, including minority populations
and low-income populations of the state [Public Resources Code section 71110(a)]; and

25 **WHEREAS**, CalRecycle has adopted a goal to continuously integrate environmental
26 justice concerns into all of its programs and activities; and

27 //

1 **WHEREAS**, the County of San Bernardino as Lead Agency under the California
2 Environmental Quality Act, has prepared, or caused to be prepared, and adopted a Negative
3 Declaration for this zone renewal project that finds that the project will not have a
4 significant impact on the environment; and

5 **WHEREAS**, the City of Colton intends to review and consider the information in the
6 Negative Declaration adopted by the County of San Bernardino that finds that the zone
7 renewal project will not have a significant impact on the environment.

8 **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of
9 Colton, as follows:

10 **SECTION 1.** The recitals preceding this Resolution are true and correct and are
11 incorporated into this Resolution by this reference.

12 **SECTION 2.** The County of San Bernardino as Lead Agency under the California
13 Environmental Quality Act, has prepared, or caused to be prepared, and adopted a Negative
14 Declaration for this zone renewal project that finds that the project will not have a
15 significant impact on the environment.

16 **SECTION 3.** This action approves the submittal of a Recycling Market Development
17 Zone Renewal application to include the City of Colton.

18 **SECTION 4.** The City of Colton Agrees to participate in the RMDZ program in a
19 manner that seeks to ensure the fair treatment of people of all races, cultures and incomes,
20 including but not limited to soliciting public participation in all communities within the
21 RMDZ.

22 **SECTION 5.** The City Clerk shall certify to the adoption of this Resolution. This
23 Resolution shall become effective immediately upon its adoption.

24 **PASSED, APPROVED AND ADOPTED** this 5th day of March, 2013.

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SARAH S. ZAMORA, Mayor

ATTEST:

EILEEN C. GOMEZ, City Clerk

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STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.
CITY OF COLTON)

I, EILEEN C. GOMEZ, City Clerk of the City of Colton, do hereby certify that the foregoing Resolution No. R-07-13 was duly and regularly adopted by the Colton Housing Authority, at a regular meeting thereof on the 5th day of March, 2013 and that the same was passed and adopted by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eileen C. Gomez, City Clerk, CMC