



City Council Report

Date: November 15, 2021
To: City Council
Through: John Pombier, Assistant City Manager
From: Scott Bouchie, Environment Mgmt & Sustainability Dept. Director
Patrick Murphy, Deputy Solid Waste Director
Subject: Resolution approving and authorizing the execution of an Amendment to the Existing Intergovernmental Agreement for Waste Collection and Transportation Mutual Aid to include the Salt River Pima-Maricopa Indian Community (Citywide)

Purpose and Recommendation

The City previously entered the attached Extended Intergovernmental Agreement for Mutual Aid for Waste Collection and Transportation (“IGA”) to facilitate and document the process for providing mutual aid of Resources amongst the various municipal parties as needed as well as reimbursement of Costs for supplying said Resources (see Exhibit #1).

Staff now recommends that Council approve the Resolution (see Exhibit #2) approving and authorizing the execution of the attached Amendment to the IGA (see Exhibit #3) that allows the inclusion of the Salt River Pima-Maricopa Indian Community (“Community”) to participate in the IGA.

Background/Discussion

The scope of this IGA is to: (1) provide procedures for various participating parties to request, and responding parties to supply, waste collection and transportation aid or other assistance for emergencies (i.e., Storm Response clean ups, etc.) to one another; and (2) provide the terms and a mechanism for compensating an aiding party for supplying resources to a requesting party. The Original IGA was approved and signed in February 2017, and more recently extended in November of 2020. The extended IGA will expire on June 30, 2026.

Appendix A of the Extended IGA lists the municipalities that are participating in the IGA. Over the years the various municipalities have benefited from the IGA when we have had equipment shortages and/or equipment needing repairs. The Community’s Public Works Department now provides solid waste services (i.e., no longer contracts this service to the private sector). As a result, the Community has expressed an interest in joining the IGA. The Community approved the Amendment on September 29, 2021 (see the attached Resolution labeled Exhibit #4). The Amendment includes a specific

limited waiver of sovereign immunity by the Community which provides for arbitration in the event of a dispute, with any resulting award being enforceable in federal or state court.

Staff is in favor of the Community joining the IGA. We have forwarded the Amendment to the IGA Participating Municipalities for their consideration.

- a. Each Municipality will need to take the Amendment to their Council to determine if they want to include the Community.
- b. The MUA participating municipalities **are not** obligated to approve the Amendment, rather if they do not approve the Amendment, then they will not have a MUA with SR.
- c. As of the writing of this staff report the following municipalities have expressed an interest in adopting the Amendment:
 1. Avondale, Peoria, Phoenix, and Scottsdale
- d. As stated above, the Amendment includes text specific to resolution of disputes, and general considerations for issues between the Community and any other municipality who approves the Amendment. This text is substantially similar to that found in an unrelated agreement that Mesa has with the Community, and so has been part of the City's relationship with the Community on other matters.

Alternatives

An alternative is to not approve the Amendment. This alternative is not recommended because the proposed streamlining of providing mutual aid for waste collection and transportation will not be met for the Community. In times of an emergency, there is usually not enough time to submit the required information in a timely manner (i.e., submittal of vehicle information i.e., vin #'s, make/model, value, insurance), however, the Amendment will streamline the process for providing mutual aid of resources amongst SR and those municipalities that execute the Amendment.

Fiscal Impact

The IGA includes a section for reimbursement procedures for the cost of the supplied Resources. The following is an excerpt of the IGA:

The Requesting Party shall reimburse the Aiding Party after receipt of an itemized voucher and documentation of all allowable costs of labor, equipment, and materials. The Parties will use equipment rates based on the Federal Emergency Management Agency's (FEMA) Schedule of Equipment Rates unless otherwise agreed in advance in writing.

To date, we have not experienced any reimbursement cost for any supplied resources.

Coordinated With

Staff worked with the municipalities participating in the IGA, the Community, and the Mesa City Attorney's Office on the attached Exhibits.