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**Subject:** FW: Integrated Waste Management Task Force Authority Regarding Pending Legislation  
**Date:** Thursday, November 9, 2023 4:45:32 PM

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**CAUTION:** External Email. Proceed Responsibly.

Mr. Jonathan W. Brazile

Deputy County Counsel,

Mr. Brazille,

I have reviewed your presentation titled “[Integrated Waste Management Task Force Authority Regarding Pending Legislation](#)” dated October 19, 2023, a copy of which was provided to members on 10/23/2023 (see below). The analysis includes a number of statements that are either incorrect and/or would seem to be misleading in order to substantiate the conclusion—in fact, the title of the analysis even neglects to acknowledge that the Integrated Waste Management Task Force, is actually first and foremost the **Los Angeles County Solid Waste Management Committee** (County Ord # 81-0053). In addition to the title of the analysis, please consider my concerns noted below.

1. This analysis appears to totally disregard the Los Angeles County Solid Waste Management Ordinance, which contrary to your conclusion, was adopted in 1981, County Ord # 81-0053, almost 10 years before the enactment of AB 939 and Ordinance # 90-0096 to which you refer.
2. Contrary to some claims, Ordinance 90-0096 did not replace Ordinance # 81-0053, but provided that the *Los Angeles County Solid Waste Management Committee* to be **designated** as the *Los Angeles County Integrate Waste Management Task Force*.

As such, all authorities granted to the Task Force as listed below remain in place. I.E. No change to the Chapter 3.67 of the County Code, Subsections 3.67.080 (A) through Subsection 3.67.080 (K), including the authority provided to the County Solid Waste Management Committee pursuant to the Chapter 3.67.080 (G) of the County Code, which states “To Monitor, Analyze and review legislative bills, and propose legislation as needed”, *Ordinance # 81 – 0053*. For the official records, Section 3.67.080 of the County Code states the “responsibilities of the committee shall include, but not limited to, the following:

- A. Take appropriate action to implement the programs delineated in the Plan;
- B. Prepare annual work programs which include requirements for staff support;
- C. Form task forces and advisory subcommittees to perform special studies and investigations. These committees shall be created to provide special expertise when required to carry out assignments of the Plan. Membership

of the above task forces and subcommittees need not be limited to the members of the committee;

D. Submit periodic progress reports, and an annual report, on the status of programs in the Plan and on management of solid wastes, to the cities and to the county board of supervisors

E. Promptly investigate complaints of nonconformance with the Plan and seek corrective action where appropriate;

F. Review proposed facilities and services for conformance with the Plan;

G. Monitor, analyze and review legislative bills, and propose legislation as needed;

H. Recommend policy on matters involved in the County Solid Waste Management Plan;

I. Prepare and recommend model ordinances and minimum standards for adoption by local jurisdictions;

J. Periodically review and evaluate the need for an expanded implementing organization and evaluate its assigned responsibilities;

K. Maintain and update the Plan as required.

(Ord. 81-0053 § 1 (part), 1981.)”

**Again, for the record, pursuant to Section 3.67.090 of the Los Angeles Code, “The Los Angeles County solid waste management committee was designated as the Los Angeles County integrated waste management task force.”** However; the newly adopted County Ordinance # 90-0096 did **not** replace Ord. # 81-0053 the Los Angeles County Solid Waste Management Committee, it rather **expanded** the duties and responsibilities of the Committee as well as its operation as a **countywide organization** pursuant to the California Public Resource Code, Section 40950 and specifically its Subdivision 40950 (b)

3. **Countywide organization - California Public Resource Code (PRC), Section 40950, Subdivision (b)**

The Section 40950 (b) of the PRC reads as follow:

“(b) The membership of the task force shall be determined by **the county and by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county**, except in those counties which have only two cities, in which case the membership of the task force is subject to approval of the city which contains the majority of the population of the incorporated area of

the county (emphasis added). The task force may include representatives of the solid waste industry, environmental organizations, the general public, special districts, and affected governmental agencies. As such, in Los Angeles County, the Los Angeles County Solid Waste Management Committee / Integrated Waste Management Task Force reports to the Board of Supervisors, as well as the 88 cities in the County. And needless to say, any changes to the task force's operating ordinances, (Ord. #81-0053 & Ord. # 90-0096), require approval by the Board of Supervisors as well as a majority of the cities within the County which contain a majority of the population of the incorporated area of the County.

4. **Funding Mechanism** – Currently, the Los Angeles County Solid Waste Management / Integrated Waste Management Task Force operational expenditure, including staffing, is being provided by the Los Angeles County Solid Waste Management Fee, which is imposed by the Board of Supervisors on all solid waste disposal facilities throughout the Los Angeles County as well as solid waste tonnages generated in Los Angeles County and disposed of in the out of County facilities. As a result, changes to the Los Angeles County Solid Waste Management Committee / Integrated Waste Management Task Force operating ordinances, including, but not limited to, legislation, as currently being pursued by the County Chief Executive Office and the County Department of Public Works may require revisions to the Solid Waste Management Fee Ordinance and potential return of the collected excess fees to the appropriate jurisdictions.

In conclusion, I respectfully request the foregoing critical issues impacting all 89 jurisdictions in Los Angeles be thoroughly addressed prior to any change to the task force operating ordinances, and not solely on the wishes of the LA County Chief Executive Office and/or the County Department of Public Works.

Best,

*Mike Mohajer, P.E.*

*Member, LA County SWM Committee/IWM Task Force*

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CC: Each Member of the Los Angeles County Board of Supervisors

Carol Saucillo - Please be advised that this email comprises the materials that I referenced in my 11/2/2023 email to you, which should be linked and/or included on the subject item on the 11/16/2023 agenda (in compliance with the Brown's requirements). Also, please make sure each member/alternate of the Los Angeles County Solid Waste Management Committee / Integrated Waste Management Task Force received a copy of these comments consistent with the Brown's requirements.