

RESOLUTION NO. 93-190

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF EL PASO DE ROBLES RESCINDING RESOLUTION NO. 93-65
AND ADOPTING A REVISED RESOLUTION ESTABLISHING A
FUND FOR THE DEPOSIT AND ACCUMULATION OF MONIES
TO COVER LANDFILL CLOSURE/POSTCLOSURE COSTS

WHEREAS, Public Resources Code Sections 43500 through 43610 and Sections of Title 14 of the California code of Regulations, Division 7, Chapter 5, Article 3.5, require operators of solid waste landfills to demonstrate the availability of financial resources to conduct closure and postclosure maintenance activities; and

WHEREAS, Sections 18283 and 18285 of the Regulations specify an Enterprise Fund and related financial assurance mechanisms as acceptable mechanisms to demonstrate financial responsibility for financing the closure and/or postclosure maintenance of a solid waste landfill; and

WHEREAS, the City Council of the City Council of the City of El Paso de Robles is desirous of providing assurances that a fund has been established.

THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso de Robles that:

1. The Director of Administrative Services is hereby directed to create and maintain a fund to be identified as the "Landfill Closure/Postclosure Fund" for the specific purpose of depositing and accumulating monies necessary to meet all costs associated with landfill closure and subsequent postclosure costs; and
2. The monies necessary to cover the costs associated with the landfill closure/postclosure as per the most recently approved closure and postclosure plans shall be generated through a tipping fee surcharge to be assessed on each ton of solid waste delivered to the municipal landfill; and
3. The City Treasurer shall invest all monies deposited into the fund in accordance with the adopted City investment policy for the specific purpose of generating interest earnings which shall be deposited into the fund; and
4. The monies deposited into the fund shall be dedicated exclusively for funding all costs associated with closure/postclosure maintenance and shall be maintained according to Title 14, California code of Regulations, Division 7, Chapter 5, Article 3.5, sections 18282 and 18285; and
5. The Landfill Closure/Postclosure Fund shall be and remain inviolate against all other claims, including claims of the City or its City Council or the creditors thereof, it being

the intent of this resolution that the mechanism established hereby will provide equivalent protection to a trust fund in ensuring that the assured amounts of funds will be available in a timely manner for closure and/or postclosure maintenance of the landfill.

6. Disbursement of funds for closure and/or postclosure maintenance shall be in accordance with Sections 18262.3 and 18265.3 of these regulations.
7. In the event the Board staff or Enforcement Agency finds that the City has failed to perform closure and/or postclosure maintenance as required by law, the Board staff and/or Enforcement Agency shall confer with the City and attempt to resolve the alleged violation. If no agreement can be reached, the matter shall be referred to the Board which, following reasonable notice, a public hearing, and consideration of testimony and documentation submitted by the Board staff and/or Enforcement Agency, the City, and any interested parties, shall make a determination on the matter. In the event the Board determines that the City has failed to perform closure and/or postclosure maintenance as required by law, the Board may direct the City to make such expenditures from the Enterprise Fund as are necessary to ensure sufficient closure and/or postclosure maintenance, as determined by the Board.
8. The Director of Public Works shall produce an annual report for transmittal to the California Integrated Waste Management Board containing as appropriate the following information concerning the Paso Robles Landfill:
 - (a) As specified by Section 18263 of the regulations, a revised closure cost estimate.
 - (b) As specified by Section 18266 of the regulations, a revised postclosure maintenance cost estimate.
 - (c) An accounting of the current balance of the Paso Robles Landfill Closure/Postclosure Maintenance Fund.


PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 7th day of December, 1993 by the following vote:

AYES: Heggarty, Macklin, Martin, Picanco, and Iversen
NOES: None
ABSENT: None
ABSTAIN: None



Christian E. Iversen, Mayor

ATTEST:



Richard J. Ramirez, City Clerk