

DEPARTMENT: Public Works

By: Thomas J. Starling Phone: 966-5356
Solid Waste Coordinator

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes__ No_X)

A Resolution approving new funding mechanisms for the State-mandated closure and postclosure funds for the Mariposa Landfill.

Presently, the County, through the Solid Waste Enterprise budget is funding both the closure and postclosure costs for the landfill. State Regulations allow for the separation of the two requirements. This is accomplished by funding the closure fund and delaying the postclosure by committing to a "Pledge of Revenue" after the landfill is closed.

By adopting this resolution, the County will save approximately \$3,000/year until closure of the landfill takes place.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board originally established the closure/postclosure fund in March, 1991 (Res.#91-108).

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- 1) Leave the funding as it now stands and do not benefit from current savings.

COSTS: (X) Not Applicable
A. Budgeted current FY \$
B. Total anticipated costs \$
C. Required additional funding \$
D. Internal transfers \$
SOURCE: () 4/5th Vote Required
A. Unanticipated revenues \$
B. Reserve for contingencies \$
C. Source description:
Balance in Reserve Contingencies,
if approved: \$

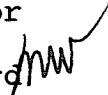
SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
1) Proposed Resolution (3ppgs).
2) Existing Resolution (2ppgs).

CLERK'S USE ONLY
Res. No.: 95-140
Vote - Ayes: three
Absent:
Approved
Minute Order Attached
Ord. No.
Noes: Parker, Tolson
Abstained:
() Denied
() No Action Necessary
The foregoing instrument is a correct copy of the original on file in this office.
Date:
ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
 Recommended
 Not Recommended
 For Policy Determination
 Submitted with Comment
 Returned for Further Action
Comment:
A.O. Initials: CW

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE EDWARDS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: New Closure/Postclosure Funding Mechanisms for the
Mariposa County Landfill

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 4, 1995

ACTION AND VOTE:

10:03 a.m. Mike Edwards, Public Works Director;
A) Resolution Approving New Closure/Post Closure
Funding Mechanisms for the Mariposa County Landfill
BOARD ACTION: Discussion was held. (M)Balmain, (S)Reilly,
Res. 95-140 adopted/Ayes: Reilly, Balmain, Stewart; Noes:
Parker, Taber. Supervisor Parker requested that the annual
report prepared for the California Integrated Waste
Management Board be forwarded to the Board for information.

cc: File
Jeffrey Green, County Counsel
Ken Hawkins, Auditor
Dr. Mosher, Environmental Health Department

**FINANCIAL ASSURANCE FOR
CLOSURE AND POSTCLOSURE OF THE
MARIPOSA COUNTY LANDFILL**

WHEREAS, Government Code Section 66796.22 and Sections of Title 14 of the California Code of Regulations ("Regulations"), 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 mechanism as an acceptable mechanism to demonstrate financial responsibility for financing closure and/or postclosure maintenance of a solid waste landfill;

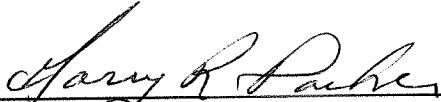
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mariposa County that:

1. The Director of Public Works of the County of Mariposa ("Director") is authorized and directed to establish and maintain an Enterprise Fund ("Enterprise Fund") and to deposit in the Enterprise Fund all revenue derived from the operations of the Landfill.
2. The Director is further directed to withdraw funds from the Enterprise Fund, for deposit into the financial assurance mechanism hereafter provided, sufficient to meet the requirements of Sections 18282 and 18285 of the Regulations on a timely basis.
3. The funds referred to in Section 2 above shall be deposited and retained by the Auditor of the County of Mariposa ("Auditor") in a separate fund to be known as the Mariposa County Landfill Closure/Postclosure Maintenance Fund ("Closure/Postclosure Fund") established by the Auditor of Mariposa County ("Auditor") and shall be used to pay only closure and postclosure maintenance of the Landfill.
4. The Closure/Postclosure Fund shall be and remain inviolate against all other claims, including claims of this County or its Board of Supervisors 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.
5. Disbursement of funds for closure and/or postclosure maintenance shall be in accordance with Sections 18262.3 and 18265.3 of these Regulations.

6. The Closure/Postclosure Fund shall be invested by the Treasurer in the manner provided by law.
7. In the event the California Integrated Waste Management Board determines that this County has failed to perform closure and/or postclosure maintenance as required by law, the Board may direct the Auditor to pay to the Director of Public Works from the Closure/Postclosure Fund such amounts as are necessary to insure sufficient closure and/or postclosure maintenance, who then shall be obligated to use such funds for closure or postclosure maintenance in accordance with the directive of the California Integrated Waste Management Board.
8. The Director of Public Works is directed to produce an annual report for transmittal to the California Integrated Waste Management Board containing the following information concerning the Landfill:
 - (a) As appropriate, a revised closure cost estimate, prepared as specified by Section 18263 of the Regulations.
 - (b) As appropriate, a revised postclosure maintenance cost estimate, prepared as specified by Section 18266 of the Regulations.
 - (c) Status, including current balance, of the Landfill Closure/Postclosure Maintenance Fund.
 - (d) The number of current members of the Board of Supervisors of this County who voted affirmatively when this Resolution was adopted or last reaffirmed.
9. The Closure/Postclosure Maintenance Fund, as cited above, shall be re-established as two separate funding mechanisms in accordance with Section 18283 of the Regulations as follows:
 - (a) The Closure/Postclosure Maintenance Fund shall be renamed the "Closure Fund" with all deposited funds remaining in said account.
 - (b) As provided by Section 18283 (d) of the Regulations, Landfill postclosure expense, a Pledge of Revenue shall be used to demonstrate financial assurance responsibility.

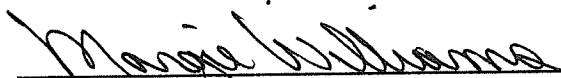
PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this
4th day of April, 1995, by the following vote:

AYES: REILLY, BALMAIN, STEWART
NOES: PARKER, TABER
ABSENT: NONE
ABSTAINED: NONE



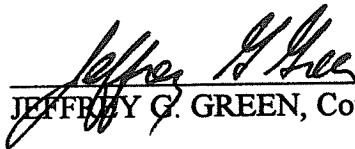
GARRY R. PARKER, CHAIRMAN
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



JEFFREY G. GREEN, County Counsel