

## RESOLUTION NO. 17-030

### RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ESTABLISHING THE SOUTH COAST LANDFILL CLOSURE ACCOUNT AS THE FINANCIAL ASSURANCE MECHANISM FOR CLOSURE OF THE SOUTH COAST LANDFILL (GUALALA AREA)

WHEREAS, Public Resources Code sections 43500 through 43610.1 and Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 6 (Regulations), require operators of solid waste landfills to demonstrate the availability of financial resources to conduct closure, post-closure maintenance, and corrective action activities; and

WHEREAS, by Resolution Number 05-052 (adopted April 12, 2005) the Board of Supervisors approved a Pledge of Revenue Agreement between the County of Mendocino and the California Integrated Waste Management Board (now California Department of Resources Recycling and Recovery), which provides an acceptable financial assurance mechanism to demonstrate financial responsibility for financing the post-closure maintenance and/or corrective action for the Laytonville, South Coast and Caspar Landfills; and

WHEREAS, the California Department of Resources Recycling and Recovery (CalRecycle) has notified the County of Mendocino that Caspar and Laytonville Landfills are certified closed; and

WHEREAS, CalRecycle has notified the County of Mendocino that a financial assurance demonstration for the closure of South Coast Landfill has not been provided; and

WHEREAS, sections 22228 and 22241 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 and/or corrective action of a solid waste landfill; and

WHEREAS, the County of Mendocino has established and maintains an enterprise fund, Fund 1202 known as the "Landfill Closure Fund" for closure, post-closure maintenance and/or corrective action of the Laytonville, South Coast, and Caspar Landfills, and currently deposits to the Landfill Closure Fund seven percent of the revenue generated from Mendocino County curbside hauling operations.

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

1. The Director of Transportation of the County of Mendocino is authorized and directed to maintain the Landfill Closure Fund to finance the closure, post-closure maintenance and corrective action expenditures of the Laytonville, South Coast and Caspar Landfills; and
2. The Director of Transportation is further directed to transfer funds from the Landfill Closure Fund, for deposit into the financial assurance mechanism hereafter provided, sufficient to meet the requirements of sections 22225 and 22241 of the Regulations on a timely basis; and
3. The funds referred to in Section 2 above shall be deposited and retained

by the Treasurer of the County of Mendocino (Treasurer) in a separate account within the Landfill Closure Fund to be known as the South Coast Landfill Closure Account, established by the Auditor-Controller of the County of Mendocino (Auditor-Controller) and shall be used exclusively and with first priority for closure of the South Coast Landfill, Facility No. 23-AA-0018; and

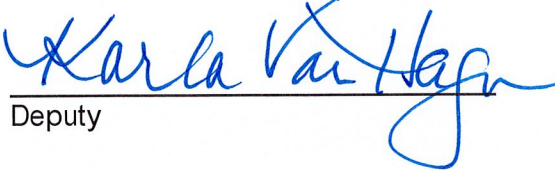
4. The South Coast Landfill Closure Account shall be and remain inviolate against all other claims, including claims of the County of Mendocino or its Board of Supervisors or the creditors thereof, it being the intent of this Resolution that the mechanism established will provide equivalent protection to a trust fund by ensuring:
  - (1) That the assured amounts of funds will be available in a timely manner for closure of the South Coast Landfill; and
  - (2) That payments from the Account shall be initiated by the Auditor-Controller and made by the Treasurer, as directed by CalRecycle, in writing, for the payment of the costs of closure covered by this resolution; and
5. Disbursement of funds for closure shall be in accordance with section 22234 of the Regulations and as prescribed in section 4(2) above; and
6. The South Coast Landfill Closure Account shall be invested by the Treasurer in the manner provided by law; and
7. In the event CalRecycle determines that the County of Mendocino has failed, or is failing, to perform closure as required by law, CalRecycle may direct the Auditor-Controller to pay to the Director of Transportation from the South Coast Landfill Closure Account sufficient funds to ensure closure, who then shall be obligated to use such funds for closure in accordance with the directives of CalRecycle; and
8. The Director of Transportation is directed to produce an annual report for transmittal to CalRecycle, containing the following information concerning the South Coast Landfill:
  - (a) As appropriate, a revised closure cost estimate, prepared as specified by Section 21820 of the Regulations.
  - (b) Status, including current balance of the South Coast Landfill Closure Account.

The foregoing Resolution introduced by Supervisor Hamburg, seconded by Supervisor Brown, and carried this 7th day of March, 2017, by the following vote:

AYES: Supervisors Brown, McCowen, Gjerde and Hamburg  
NOES: None  
ABSENT: None


WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy

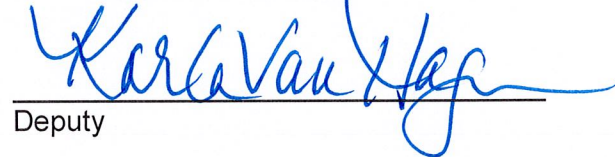
APPROVED AS TO FORM:  
KATHARINE L. ELLIOTT,  
County Counsel



  
JOHN MCCOWEN, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy