

RESOLUTION NO. 91-108

FINANCIAL ASSURANCE FOR
CLOSURE AND POSTCLOSURE MAINTENANCE 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") for the Mariposa County Landfill ("the Landfill") 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 requirement 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 for 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.

State of California)
County of Mariposa)=="

I, Margie Williams, Clerk of the Board of Supervisors of the County of Mariposa, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Supervisors at a regular meeting held on March 12, 1991 and duly entered in the minutes of said County.



Margie Williams
Clerk of the Board of Supervisors