

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
March 24, 2009

WHEREAS, OC Waste & Recycling manages the County's three active municipal solid waste landfills, 21 former disposal sites and four household hazardous waste disposal centers; and

WHEREAS, among other things, the purpose of the California Integrated Waste Management Act of 1989 (the "Act") is to reduce, recycle, and reuse solid waste generated in the State to the maximum extent feasible in an efficient and cost effective manner; and

WHEREAS, the Act provides that local government agencies may determine the aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection, transportation, level of services, charges and fees, nature, location, and extent of providing solid waste handling services; and

WHEREAS, on April 8, 1997, this Board of Supervisors approved the forms of waste disposal agreements to be entered into with Orange County cities, sanitary districts and waste haulers and established certain fees; and

WHEREAS, such waste disposal agreements were effective on July 1, 1997, and are scheduled to expire on June 10, 2010; and

WHEREAS, currently 31 cities, four sanitary districts (which include three cities) and 13 waste haulers are parties to waste disposal agreements with the County; and

WHEREAS, presented to this Board and on file with the Clerk of the Board are the following revised forms of waste disposal agreements:

- WASTE DISPOSAL AGREEMENT between the County of Orange and individual Orange County cities and sanitary districts (the "City/Sanitary District

Waste Disposal Agreement”);

- WASTE DISPOSAL AGREEMENT between the County of Orange and certain eligible Facility Operators (the “Eligible Facility Operators”) of solid waste in the County of Orange (the “Facility Operator Waste Disposal Agreement).

WHEREAS, the public interest, health, and safety are benefited by the approval of the forms of Waste Disposal Agreements and the adoption of the fees provided for herein; and

WHEREAS, this Board of Supervisors is authorized to establish fees for the collection, handling, and disposal of solid waste; and

WHEREAS, applicable law requires this Board of Supervisors to hold at least one open and public meeting, at which oral or written presentation can be made, as part of a regularly scheduled meeting; and

WHEREAS, notice as required by law has been published in a newspaper of general circulation; and

WHEREAS, this Board of Supervisors has conducted a public hearing;

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors does hereby find and determine:

1. This Board of Supervisors (this “Board”) hereby finds and determines that compliance with the California Environmental Quality Act (CEQA) for the Waste Disposal Agreements is satisfied by the following previously certified environmental documents:
 - Final EIR 523, certified by your Board on March 10, 1992, for the expansion of the Olinda Alpha Landfill.
 - Final EIR 588, certified by your Board on April 17, 2007, for the expansion of the Olinda Alpha Landfill.

- Final EIR 604, certified by your Board on August 15, 2006, for the expansion of the Frank R. Bowerman Landfill.
 - Final EIR 575, certified by your Board on November 6, 2001 for the 2001 General Development Plan for the Prima Deshecha Landfill.
2. This Board hereby finds and determines that the approval of the forms of Waste Disposal Agreements and execution by the County will serve the public interest, health, safety and welfare by providing a more stable, predictable and reliable supply of municipal solid waste and the resulting service payment revenue to the County waste enterprise system, thereby enabling the County to plan, manage, operate, and finance improvements to the system on a more prudent and sound long term, businesslike basis consistent with its obligations to the State and the holders of obligations secured by its waste disposal system.
 3. This Board hereby finds and determines that the Waste Disposal Agreements will further promote the statutory goals of solid waste reduction, recycling, and reuse to the maximum extent feasible in an efficient and cost effective manner.
 4. The form of City Waste Disposal Agreement is hereby approved. The Director of OC Waste & Recycling or designee (the "Director") is hereby authorized and directed for, in the name and on behalf of the County to execute the City Waste Disposal Agreement with Orange County cities approving such Agreement, provided however, that such city approval and execution thereof shall occur on or before July 22, 2009.
 5. The form of Sanitary District Waste Disposal Agreement is hereby approved. The Director is hereby authorized and directed for, in the name and on behalf of the County to execute the Sanitary District Waste Disposal Agreement with

Orange County Sanitary District approving such Agreement, provided however, that such Sanitary District approval and execution thereof shall occur on or before July 22, 2009.

6. The form of Facility Operator Waste Disposal Agreement is hereby approved. The Director is hereby authorized and directed for, in the name and on behalf of the County to execute the Facility Operator Agreement with Eligible Facility Operators approving such Agreement, provided however, that such Eligible Facility Operators approval and execution thereof shall occur on or before July 22, 2009.
7. Subject to paragraph 8 and the terms of the Waste Disposal Agreements, the Waste Disposal Agreement contract rate of \$29.95 per ton and the posted disposal rate of \$34.95 per ton, exclusive of the \$19.00 per ton AB 939 surcharge established pursuant to this Board's Resolution No. 06-070, are hereby approved. Both the contract rate and the posted disposal rate will increase annually on July 1st by the Consumer Price Index (CPI) – All Urban Consumers, All Cities – based on the formula contained in the Waste Disposal Agreements. All other landfill rates previously approved by this Board remain unchanged.
8. The effectiveness of the Waste Disposal Agreements approved in paragraphs 4, 5 and 6 and the fees approved in paragraph 7 are contingent upon all conditions to the Commencement Date (as defined in the City Waste Disposal Agreement) being met on or before July 22, 2009. In the event of the failure of any condition to the Commencement Date, the Director of OC Waste & Recycling shall return to this Board for direction. In no event shall the Waste Disposal Agreements or the fees approved herein be effective prior to July 1, 2010.

9. The Director (or designee) of OC Waste & Recycling is hereby authorized and directed, for and in the name and on behalf of the County, to do any and all things and take any and all actions and execute any and all certificates, agreements and other documents which he may deem necessary or advisable in order to consummate the lawful execution, delivery and enforcement of the Waste Disposal Agreements and the fees approved in accordance with this Resolution.

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on March 24, 2009, to wit:

AYES: Supervisors: BILL CAMPBELL, CHRIS NORBY, JANET NGUYEN
JOHN M. W. MOORLACH, PATRICIA BATES
NOES: Supervisor(s):
EXCUSED: Supervisor(s):
ABSTAINED: Supervisor(s):

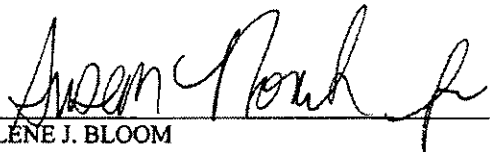


CHAIRMAN


STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, DARLENE J. BLOOM, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors .


IN WITNESS WHEREOF, I have hereto set my hand and seal.



DARLENE J. BLOOM
Clerk of the Board
County of Orange, State of California



Resolution No: 09-036
Agenda Date: 03/24/2009
Item No: 39

 I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors , Orange County, State of California
DARLENE J. BLOOM, Clerk of the Board of Supervisors
By: _____
Deputy