

See Res. 5045 + 5046

After execution,
please return one
original to:
City Clerk's Office
City of Redlands
P. O. Box 3005
Redlands, CA
92373

AGREEMENT

for

PLEDGE OF REVENUE ESTABLISHING FINANCIAL ASSURANCE FOR POST CLOSURE MAINTENANCE OF THE CALIFORNIA STREET LANDFILL

This agreement establishes a pledge of revenue to assure that adequate funds are available to carry out the post closure maintenance of the California Street Landfill.

This Agreement shall become effective immediately and is made and entered into by and between the City of Redlands ("CITY") and the California Integrated Waste Management Board ("BOARD").

WHEREAS, California Public Resources Code, Sections 43500 through 43610 and sections of Title 14 of the California Code of Regulations ("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 post closure maintenance activities; and

WHEREAS, Sections 18283 and 18290 of the Regulations specify a pledge of revenue as an acceptable mechanism to demonstrate financial responsibility for post closure maintenance of a solid waste landfill; and

WHEREAS, the CITY operates the California Street Landfill, a solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in Solid Waste Facilities Permit No. 36 AA 017 issued by San Bernardino County serving as Local Enforcement Agency for the BOARD; and

WHEREAS, the CITY receives revenues for solid waste services to its customers in accordance with rates set by Title 3 of the Redlands Municipal Code and deposits these revenues into the Solid Waste Fund; and

WHEREAS, the CITY is pledging revenue from solid waste customer rates deposited into the Solid Waste Fund; and

WHEREAS, the CITY has determined that projected net revenues from solid waste customer rates during the thirty (30) year period of post closure maintenance shall during each year of this period be greater than the yearly monitoring and post closure maintenance cost contained in the most recent cost estimate for the California Street Landfill, submitted to the Board, in accordance with Section 18266 of the Regulations;

NOW, THEREFORE, the CITY and the BOARD do agree as follows:

1. The CITY hereby establishes a pledge of revenue to demonstrate financial responsibility for post closure maintenance of the California Street Landfill in accordance with sections 18283 and 18390 of the Regulations.
2. The CITY agrees to pledge net revenues from solid waste customer rates as described herein.
3. The amount of the pledged revenue shall be equal to \$58,000 per year for the 30 year period of post closure maintenance, representing the most recent monitoring and post closure maintenance cost estimate for the California Street Landfill. It is agreed that the amount of this pledge may increase or decrease to match any adjustment to the identified cost estimate which is mutually agreed to by the CITY and the BOARD.
4. If the CITY ceases at any time to retain control of its ability to allocate the pledged revenue as identified herein to pay post closure maintenance costs, the CITY shall notify the BOARD and the Local Enforcement Agency and shall obtain alternative coverage within sixty (60) days after the control of funds lapses, pursuant to Section 18290 of the Regulations.
5. In the event that the BOARD determines that the CITY has failed, or is failing, to perform post closure maintenance as required by law, the BOARD may direct the Finance Director of the CITY to pay to the Municipal Utilities Director from the pledged revenues such amounts as are necessary to insure sufficient post closure maintenance, and such funds shall be disbursed for post closure maintenance in accordance with the directives of the BOARD.

IN WITNESS HEREOF, the parties have executed this agreement on the date and year as set forth below.


By the CITY, this, 1st day of February, 1994.

By the BOARD, this _____ day of _____, 1994.

STATE OF CALIFORNIA
California Integrated
Waste Management Board

CITY OF REDLANDS


By: _____
Ralph E. Chandler
Executive Director

By: 
Swen Larson
Mayor

APPROVED AS TO FORM AND
PROCEDURE

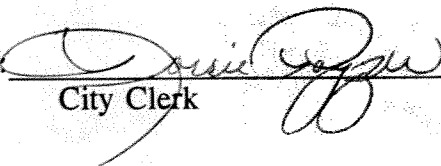
APPROVED AS TO FORM AND
PROCEDURE

By: _____
Robert F. Conheim
Chief Counsel

By: 
Daniel J. McHugh
City Attorney

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ATTEST:

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