

RESOLUTION NO. 16-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING THE REVISED EFFECTIVE DATE TO THE AMENDMENT TO THE 2009 WASTE DISPOSAL AGREEMENT WITH THE COUNTY OF ORANGE

WHEREAS, the City has an existing Waste Disposal Agreement (the “Waste Disposal Agreement”) with the County of Orange (the “County”) which requires the City to dispose of all specified solid waste generated within the City to County landfills and for the County to accept all such waste at a price agreed upon by the City and County; and

WHEREAS, the term of Waste Disposal Agreement began on July 1, 2010, and by its term is set to expire on June 30, 2020; and

WHEREAS, the Waste Disposal Agreement provides that the County will not accept waste imported from outside the County at County landfills after June 30, 2016; and

WHEREAS, the County and various cities throughout the County negotiated an amendment to the Waste Disposal Agreement to provide for continuation of importation of waste from outside the County at County landfills in exchange for allocation to the Participating Cities of a portion of future importation revenues through June 30, 2025 (the “Amendment”); and

WHEREAS, implementation of the Amendment requires approval by all cities in the County (the “Participating Cities”); and

WHEREAS, the City Council, by Resolution No. 15-15, approved the Amendment on June 2, 2015;

WHEREAS, the County gave a deadline of approval of the Amendment of June 30, 2015; and

WHEREAS, not all Participating Cities approved the Amendment by June 30, 2015, and the County extended the deadline to September 30, 2015; and

WHEREAS, not all Participating Cities approved the Amendment by September 30, 2015, and the County extended the deadline for approval of the Amendment with a revised effective date of December 31, 2015 to December 31, 2015; and

WHEREAS, on December 2, 2015, the City Council, by Resolution No. 15-64, approved the revised effective date of December 31, 2015; and

WHEREAS, not all Participating Cities approved the Amendment by December 31, 2015, and the County is requesting that all cities approve the Amendment and revised effective date of June 30, 2016 (“Revised Effective Date”); and

WHEREAS, the City Council desires to approve the Revised Effective Date of the Amendment.

NOW, THEREFORE, the City Council of the City of Costa Mesa resolves, finds and determines, on the basis of the facts set forth in the agenda report presented to it and any testimony received at the meeting at which this matter was considered, as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby finds and determines that the Revised Effective Date to the Amendment furthers the public health, safety and welfare.

Section 3. The City Council hereby approves the Revised Effective Date.

Section 4. The officers and employees of the City are authorized and directed, jointly and severally, to do any and all things necessary or advisable in order to effectuate the purposes of this Resolution and to administer the City's obligations, responsibilities and duties to be performed.

PASSED AND ADOPTED this _____ day of _____, 2016.

Stephen M. Mensinger, Mayor

ATTEST:

Brenda Green, City Clerk

I, Brenda Green, City Clerk of the City of Costa Mesa, California, DO HEREBY CERTIFY that the foregoing is the original of Resolution No. _____ and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting thereof held on the 19th day of April, 2016, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of Costa Mesa this 19th day of April, 2016.

Brenda Green, City Clerk