

CHAPTER IV
ENABLING ORDINANCE(S) AND RESOLUTIONS(S)

IV. ENABLING ORDINANCE(S) AND RESOLUTION(S)

Through Resolution No. 92140, the Nevada County Board of Supervisors designated the Nevada County Department of Environmental Health as the Local Enforcement Agency (LEA) for all solid waste management issues.

The jurisdiction encompasses the entire county including the two incorporated cities contained therein. These cities both passed new resolutions designating NCDEH as LEA.

Pursuant to Title 14, California Code of Regulations (CCR), Chapter 5, Article 2; and Public Resources Code (PRC), Chapter 2, Article 1, the NCDEH has submitted to the CIWMB for approval, an LEA Designation Information Package (DIP). A copy of the DIP is included as Part II of this Enforcement Program Plan (EPP). Contained within the DIP are copies of the Nevada County Board of Supervisor's Resolution No. 92140, Resolution No. 92139 (Establishment of an Independent Hearing Panel for Nevada County Solid Waste Management Appeal Process), and the LEA Designation Resolutions for the cities of Grass Valley and Nevada City.

Historically, NCDEH was first designated LEA in May 1977. This designation was through Nevada County Board of Supervisors, Resolution No. 77181, designed to carry out the provisions of the Z'Berg-Kapiloff Solid Waste Control Act of 1976.

In 1981 the NCDEH was formed from the Nevada County Health Department (NCHD), in order to address the environmental health needs of the growing county. From this time until the County of Nevada entered into a Judgment Pursuant to Stipulation (JPS; #40027, dated March 4, 1991) with the CIWMB, the NCDEH had performed LEA duties for the McCourtney Road Landfill. The JPS transferred enforcement authority from NCDEH to the CIWMB. The NCDEH continued to provide LEA support to all other Nevada County solid waste program areas.

On December 16, 1992, the CIWMB issued resolution #92-141, which approved the NCDEH EPP and certified the NCDEH for all four requested LEA certification types.

RESOLUTION NO. 91-107

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY
OF GRASS VALLEY APPROVING THE REORGANIZATION
OF THE COUNTY OF NEVADA INTEGRATED WASTE
MANAGEMENT AND RECYCLING TASK FORCE

ENVIRONMENTAL HEALTH

JAN 15 1992

RECEIVED

WHEREAS, Nevada County Board of Supervisors, by Resolution No. 90-99, and emendments established the Nevada County Integrated Waste Management and Recycling Task Force as required by Assembly Bill 939 (AB939) (Public Resources Code, Section 40950); and

WHEREAS, the Nevada County Integrated Waste Management and Recycling Task Force was originally comprised of fifteen (15) members; and

WHEREAS, at the present time there are four (4) vacancies on the task force;

WHEREAS, the Nevada County Board of Supervisors has decided to reduce membership on the task force by four (4) members rather than fill the vacancies; and

WHEREAS, on May 14, 1991, the Nevada County Board of Supervisors, by Resolution No. 91-363, determined that the task force membership should consist of the following: two representatives from the Nevada County Business Association Task Force; two representatives from the Solid, Toxic and Hazardous Waste Task Force (non-county employees); two representatives from trash hauling companies, two members-at-large, and one representative each from the cities of Grass Valley and Nevada City, the County of Nevada; and

WHEREAS, Public Resources Code, Section 40950(b) requires that membership of said task force is subject to the approval of

the City which contains the majority of the population of the incorporated area of the County which, in this instance, is the City of Grass Valley; and

WHEREAS, said Nevada County Resolution No. 91-263 requests concurrence and approval from the City of Grass Valley in the reorganization of the Nevada County Integrated Waste Management and Recycling Task Force.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Grass Valley that pursuant to the provisions of Public Resources Code, Section 40950(b), the reorganization of the Nevada County Integrated Waste Management and Recycling Task Force, as formulated by Nevada County Resolution No. 91-263 by the Nevada County Board of Supervisors on May 14, 1991, is hereby approved by the City Council.

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 25th day of June, 1991 by the following vote:

AYES: Council Members Tassone, Miller, Coleman, Hullender, Mautino
 NOES: Council Members None
 ABSENT: Council Members None
 ABSTAINING: Council Members None

Gerard Tassone
 GERARD TASSONE, Mayor

ATTEST: DAVID A. BRENINGER
 City Administrator/City Clerk

BY: Bobbi Poznik
 BOBBI POZNIK, Deputy City Clerk

APPROVED AS TO FORM:

Claude L. Biddle
 CLAUDE L. BIDDLE, City Attorney

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RESOLUTION NO. 91-03

ENVIRONMENTAL HEALTH

RECEIVED
JAN 15 1992

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AUTHORIZING AN AGREEMENT BETWEEN THE COUNTY OF NEVADA AND THE CITY OF GRASS VALLEY REGARDING THE DISPOSAL OF SOLID WASTE TOGETHER WITH A SEPARATE AGREEMENT BETWEEN THE CITY OF GRASS VALLEY AND GRASS VALLEY DISPOSAL INC. AMENDING THE FRANCHISE AGREEMENT

WHEREAS, the County of Nevada (hereinafter referred to as "the County") owns, operates and maintains a solid waste disposal system and landfill site in Western Nevada County; and

WHEREAS, the County has experienced difficulties in maintaining said landfill and is seeking to secure long-term financing by issuance of bonds to obtain funding for necessary repairs and upgrading; and

WHEREAS, the County has informed the City of Grass Valley (hereinafter referred to as "the City") that the City, in order for the County to obtain the best rate available for said bonds, must give the County assurances that its licensed franchise hauler will utilize the County's landfill disposal site; and

WHEREAS, the County and the City have agreed to execute an Agreement whereby the City will grant assurances to County that its franchise hauler, Grass Valley Disposal, Inc., will provide a continuing solid waste source to the County's solid waste disposal facility, excluding recyclables, reusable materials, composted refuse and other solid waste which may be diverted to reduce the waste stream at the landfill as contemplated by Public Resources Code Section 40000, et seq; and

WHEREAS, in order for the City to grant its assurances it is

necessary for the franchise agreement between the City and Grass Valley Disposal, Inc., be amended to require certain solid waste collected and hauled by the franchise holder be disposed of at the County landfill or other County disposal site.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Grass Valley as follows:

1. The above recitals are true and correct.

2. The Mayor is directed and hereby authorized to execute an agreement by and between the City of Grass Valley and the County of Nevada setting forth certain terms and conditions whereby the City will give assurances that certain refuse presently being hauled and disposed of at the County's landfill site will continue to be disposed of at the landfill or other County solid waste disposal facility for a thirty (30) year period.

3. Upon the execution of said Agreement between the City of Grass Valley and the County of Nevada (as described in paragraph 2 above), regarding solid waste disposal, the Mayor is authorized and directed to execute an agreement amending the franchise agreement between the City of Grass Valley and Grass Valley Disposal, Inc., to affirm the City's assurances that all solid waste transported by Grass Valley Disposal, Inc. excluding recyclables, reusable materials, composted refuse and other solid waste which may be diverted to reduce the waste stream at the landfill as contemplated by Public Resources Code Section 40000, et seq., will be disposed of at the County landfill or other County maintained solid waste disposal facility.

ADOPTED as a Resolution by the City Council for the City of
Grass Valley at a meeting thereof held on the 8th day of
January, 1991 by the following vote.

AYES: Council Members Tassone, Coleman, Hullender, Mautino

NOES: Council Members None

ABSENT: Council Members Miller

ABSTAINING: Council Members None

Gerard M. Tassone
GERARD TASSONE, Mayor

ATTEST: DAVID BRENINGER
City Administrator/City Clerk

BY: *Bobbi Poznik*
BOBBI POZNIK, Deputy City Clerk

APPROVED AS TO FORM:

Claude L. Biddle
CLAUDE L. BIDDLE, City Attorney

RECEIVED

JAN 15 1992

RESOLUTION NO. 90- 28

ENVIRONMENTAL HEALTH

A RESOLUTION ESTABLISHING A RECYCLING PROGRAM SERVICE COLLECTION FEE AND CHARGE FOR A RECYCLING PROGRAM PROVIDED BY GRASS VALLEY DISPOSAL, INC. PURSUANT TO PARAGRAPH 12.1 OF THE EXTENSION OF FRANCHISE AGREEMENT BETWEEN THE CITY OF GRASS VALLEY AND GRASS VALLEY DISPOSAL, INC. AS ADOPTED BY RESOLUTION NO. 88-122.

WHEREAS, the City Council has held numerous public meetings to discuss and consider recycling within the City of Grass Valley as proposed by Grass Valley Disposal, Inc. in order to commence complying with provisions of AB939 and County of Nevada solid waste landfill reduction requirements as imposed by the California Integrated Waste Management and Recycling Board; and

WHEREAS, the City Council on February 13, 1990 and March 6, 1990 did hold duly noticed public hearings for the purpose to discuss and determine establishing a monthly user fee and charge for recycling services for all City garbage collection service users and customers of Grass Valley Disposal, Inc. to become effective April 1, 1990.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GRASS VALLEY, as follows:

1. That the foregoing is true and correct and the Council finds and determines that said public hearings were held at the time and place fixed for same.

2. That Grass Valley Disposal, Inc. shall be paid as compensation for recycling services provided to it's customers and users to become effective April 1, 1990 and to continue thereafter until amended otherwise by Council.

3. That any person from whom curbside recycling service of recyclables of garbage, rubbish or other waste matter is

ORDINANCE NO. 422

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY ADDING ARTICLE V TO CHAPTER 11 OF THE GRASS VALLEY CITY CODE PERTAINING TO THE COLLECTION, RECYCLING AND SCAVENGING OF REFUSE

BE IT ORDAINED BY THE COUNCIL of the City of Grass Valley follows:

SECTION 1. Article V is hereby added to Chapter 11 of the Grass Valley City Code to read as follows:

Article V. Collection of Recyclable Materials.

Section 11-19. Purpose of Article.

(a) The City Council finds and determines that a municipal program for the collection and recycling of newspapers, aluminum cans, PET, plastic beverage containers, and glass within the city and the licensing of persons engaged therein, is in the public interest and serves to promote the general welfare of the city.

(b) This article is hereby enacted to increase participation rates, improve recyclable material recovery rates, reduce landfill dependency, and ultimately maintain a cost effective overall garbage, rubbish, refuse or recyclable program for the citizens, businesses and institutions of the city.

(c) It is also recognized that the recycling program hereby established may be victimized by unauthorized scavengers; and that the theft of recyclable materials before they can be picked up by the authorized collector would be destructive to the economic viability of the program, as well as detrimental to the economic interests of the city at large, and the citizens, businesses and institutions in particular. It is the additional purpose of this article to define clear ownership of recyclable materials and to

ENVIRONMENTAL HEALTH

JAN 15 1992

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(a) Pursuant to the terms and conditions of any exclusive contract between the city and the authorized recycling collector, the authorized recycling collector shall provide suitable and sufficient receptacles to store segregated recyclable materials for each residential unit to be made available for curbside pick-up. The color, style and markings of the receptacles shall be determined by the authorized recycling collector.

(b) All such residential receptacles shall be and remain the property of the authorized recycling collector, and shall not be used for any purpose other than the segregation and curbside placement of recyclable waste materials. Participating persons relocating out of the city shall leave all residential receptacles at the premises.

(c) It is the duty of every person participating in the City of Grass Valley Recycling Program to maintain receptacles in a reasonably safe and secure manner; and all such receptacles shall be so placed and kept at the designated collection location so as to be readily accessible for removal and collection therefrom and placed such that they will not be a public nuisance or in any degree offensive.

Section 11-22. Authority to Administer.

The City Administrator is empowered and directed to administer the provisions of this article, subject to such rules and regulations consistent herewith as may, from time to time, be established by the City Council. The City Administrator shall further administer the provisions of this article subject to the terms of any agreement entered into by the City of Grass Valley

collection by or to any person or entity other than the authorized recycling collector, may not be stored or transferred by use of the recycling receptacles described in this article, or any other containers used for recycling provided by the authorized recycling collector. Storage or recyclable materials at the designated collection location other than for pickup by the authorized recycling collector as defined herein, is prohibited.

Section 11-26. Separation of Recyclable and Placement for Removal.

(a) All persons participating in the City of Grass Valley Recycling Program shall prepare and separate those recyclable waste materials that the city has contracted to pickup by the authorized recycling collector from other garbage and refuse as required herein, and thereafter have the segregated recyclable materials placed within receptacles as required by this article, or within the designated collection location, which shall be collected by the authorized recycling collector.

(b) No nonrecyclable materials shall be placed in receptacles provided and designated for recyclable materials.

(c) Receptacles containing recyclable waste materials for residential units shall be placed at curbside for collection by the authorized recycling collector; but shall not be placed at curbside earlier than twelve hours prior to the date and time for scheduled collection, nor left remaining at curbside longer than twelve hours following the date and time for scheduled collection.

(d) Receptacles containing recyclable materials for multi-residential complexes, commercial and/or institutional locations

including the authority to seek treble damages pursuant to California Government Code Section 66764. The city administrator may invoke these remedies, or any of them, whenever he or she deems it appropriate.

SECTION 2. This Ordinance shall become effective thirty (30) days after its final passage.

INTRODUCED and first read on the 27th day of March,
1990.

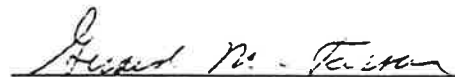
FINAL PASSAGE AND ADOPTION by the City Council of the City of Grass Valley at a meeting thereof held on the 10th day of April, 1990, by the following vote.

AYES: Council Member Tassone, Miller, Coleman, Hullender, Mautino

NOES: Council Member None

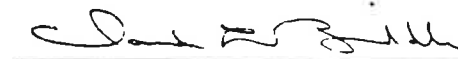
ABSENT: Council Member None

ABSTAINING: Council Member None


Gerard M. Tassone, Mayor

ATTEST: David A. Breninger
City Administrator/City Clerk

BY: 
Bobbi Poznik, Deputy City Clerk

APPROVED AS TO FORM: 
Claude L. Biddle, City Attorney

ORDINANCE 89-10

AN URGENCY ORDINANCE SETTING
SANITARY LANDFILL FEES

WHEREAS, NEVADA COUNTY has established a sanitary landfill and said facility is the only such facility in Western Nevada County; and

WHEREAS, NEVADA COUNTY AND NEVADA CITY have entered into a contract pursuant to Government Code Section 66756 allowing the residents and businesses of Nevada City to use said landfill upon the payment of an annual fee by the City of Nevada City; and

WHEREAS, THE CITY OF NEVADA CITY must pass the cost of said annual fee to the users of said sanitary landfill; and

WHEREAS, the fee schedule below has been developed based on the use of the sanitary landfill made by the users within each category and represents the reasonable costs of supplying a sanitary landfill to users in those categories;

THEREFORE, IT IS ORDAINED by the City Council of Nevada City as follows:

SECTION 1: The owner of each parcel of real property located within the City of Nevada City shall pay to the City of Nevada City an annual sanitary landfill fee as set forth in Exhibit "A," which is attached hereto and incorporated herein, and which will be payable in six (6) equal payments payable every other month beginning September 1, 1989 unless the County of Nevada agrees to collect said fees, in which case, the annual sanitary landfill fee will be placed on the secured tax roll and collected in the same manner as ad valorem county taxes on the secured rolls. The fee will not apply to a non-buildable unimproved parcel.

SECTION 2: If Nevada County is unwilling to collect the fees in the manner set forth in paragraph 1 above, then all unpaid sanitary landfill charges shall be a charge upon the real property upon which the businesses and/or residential units are located and shall constitute a lien upon such real property and shall be enforced pursuant to the procedures set forth in Government Code §25831 and §38790.1.

SECTION 3: This ordinance shall take effect immediately as an Urgency Ordinance for the following reasons:

(a) Effective July 1, 1989, the County of Nevada has adopted a sanitary landfill fee payable by the City of Nevada City in the amount of \$395,031.00. The City of Nevada City does not have sufficient financial resources to pay this amount and must immediately adopt the fee set forth in paragraph 1 above in order to be able to pay the fee and secure the right of the residents of Nevada City to continue to use the sanitary landfill.

(b) This ordinance must take effect immediately in order for the City of Nevada City to be able to meet the time limits needed to have the County of Nevada collect the fees on the secured tax roll. The size of the fee being charged

to Nevada City is so large that if a significant portion of the Nevada City residents fail to pay the above fee set forth in paragraph 1, the City of Nevada City will be unable to meet its obligation to the County of Nevada. Having the fee collected on the tax rolls by the County of Nevada will result in the lowest possible delinquency rate on the payment of the above fees and will best enable the City of Nevada City to pay the fee required by the County of Nevada.

SECTION 4: The City Clerk is authorized to publish a summary of this ordinance and said summary shall be prepared by the City Attorney.

SECTION 5: This ordinance shall take effect immediately following its passage and adoption, a summary shall be published once, within fifteen (15) days of its adoption in The Union, a newspaper of general circulation.

This ordinance was duly and regularly passed and adopted at a regularly scheduled meeting of the City Council on July 24, 1989 by the following vote:

AYES: OBERHOLTZER, DOWNING, ZANONE, DYER

NOES: NONE

ABSENT: MATSON

ABSTAIN: NONE



MAYOR

ATTEST:



CITY CLERK

AGREEMENT BETWEEN COUNTY OF NEVADA AND
CITIES OF GRASS VALLEY AND NEVADA CITY
PERTAINING TO USE OF MCCOURTNEY LANDFILL

THIS AGREEMENT made and entered into on this 18th day
of July, 1989 by and between the County of
Nevada ("County"), the City of Grass Valley and the City of
Nevada City.

RECITALS

WHEREAS, the County owns and operates the solid waste
landfill located on McCourtney Road in the unincorporated
territory of the County; and

WHEREAS, pursuant to previous agreements between the
County and the Cities, the County has made the landfill available
to city residents and businesses upon the payment of fees by the
Cities for the right of use; and

WHEREAS, it is the intent of the parties to continue in
the collective use of and financial support of the McCourtney
landfill with all users being obligated to pay their fair share
in consideration of the rights to continued use.

NOW, THEREFORE, the County and Cities agree as follows:

1. This agreement shall replace any and all prior
agreements between the County and either or both cities with
regard to the City's and their residents' and businesses' use of
the County's landfill.

2. The County will allow all City residents and
businesses a right to dispose of their refuse at the McCourtney
landfill or such other facility as the County may establish,
subject to the same terms and conditions as the County
establishes for residents and businesses in the unincorporated
territory.

3. County will charge the Cities only the fair share
amount for such right of use based upon the amount of refuse
which is generated from the City, its residents and businesses.

4. Charges to the Cities for the fiscal year 1989-1990
shall be as follows:

Grass Valley	\$986,558
Nevada City	\$395,031

If County determines that additional revenues are required for landfill operations during the 1989-1990 fiscal year, such funds may only be raised by County establishment of gate fees, tipping fees or such other supplemental fees on users that apply equally to the Cities' and the County's residents and businesses.

5. Charges to the Cities for subsequent years shall be based on an equitable (fair share) payment and shall be directly tied to the amount of refuse generated from within the Cities' and the unincorporated territory of Western Nevada County as the total group of landfill users.

6. Upon either or both of the Cities' adoption of user fees or parcel charges levy on the Cities' users, the Cities may request that the County collect the parcel charges or user fees by including same on the property tax bills issued by the County. County shall assess Cities for the actual cost to County for collection of these charges or fees and may deduct its collection cost before remitting the balance to Cities.

7. Payment to County by Cities for landfill use shall be due, one-half on or before January 1, 1989 and one-half on May 1, 1989.

8. This Agreement shall continue in effect until terminated as provided for herein, or until the County ceases to operate a landfill to the use of the people of Western Nevada County.

9. Termination: Any party may terminate its participation in and obligations under this Agreement by giving notice thereof no later than May 1. Thereafter the party shall be released from this Agreement as of the following July 1. However, County may terminate the rights of either City and its residents to use the landfill if the City refuses to pay County its fair share of landfill costs as provided for herein.

10. This Agreement shall be effective as between the County of Nevada and the City executing same in the event both cities do not execute this Agreement.

DATED: _____

DATED: 07-25-89

DATED: July 18, 1989

Mayor of Grass Valley

Mayor of Nevada City

Chairman, Board of Supervisors



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RESOLUTION No. 91-88

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

(A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT OR AGREEMENT)

BE IT HEREBY RESOLVED by the Board of Supervisors, of the County of Nevada, State of California, that the Chairman of the Board of Supervisors be and he is hereby authorized to execute, on behalf of the County of Nevada, that certain

AGREEMENT

dated the 5TH day of February, 19 91 by
and between said County and the City of Nevada City

pertaining to Flow Control for Solid Waste Disposal.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 5th day of February, 1991, by the following vote of said Board:

Ayes: Supervisors Todd Juvinal, Jim Callaghan,
Jim Weir, Bill Schultz, "G" "B" Tucker.

Noes: None

Absent: None

Abstain: None

ATTEST;

CATHY R. THOMPSON

Clerk of the Board of Supervisors

By

Cathy R. Thompson

J. B. Tucker
Chairman

RECEIVED
FEB 13 1991
DEPT OF SANITATION

DATE	COPIES SENT TO
2-7-91	City of Nevada City
2-11-91	CAO (2) c/o Linda Wheeler
	A-C
	DOS
	Counsel

**AGREEMENT BETWEEN THE COUNTY OF NEVADA
AND THE CITY OF NEVADA CITY REGARDING
SOLID WASTE DISPOSAL**

WHEREAS, the County of Nevada ("County") owns and operates a solid waste disposal site near Grass Valley, California ("Landfill"); and

WHEREAS, in order to secure financing of improvements to the Landfill and the assurance of a continuing solid waste disposal system, the County has determined that it is necessary to secure a long-term commitment by the City of Nevada City that will require that all solid waste be disposed through the use of the County's solid waste disposal system; and

WHEREAS, in consideration of the City's commitment to long-term use of said solid waste disposal system, the County has agreed to pay the City the sum of \$36,000, which City proposes to use to cover its cost of preparing and processing its source reduction and recycling plan as required by AB 939 (Public Resources Code §40000, et seq.).

NOW, THEREFORE, in consideration of the promises and obligations undertaken by the parties pursuant hereto, the County and the City hereby agree as follows:

1. The City agrees, throughout the term of this agreement, to cause all solid waste generated in the jurisdiction of the City to be delivered to the landfill, or to such other solid waste disposal system facilities as the County may direct (hereinafter collectively "the disposal system"). During the term of this agreement, the County agrees to accept and dispose of such waste (except that the County may, to the extent allowed by law, reject any load of waste that would adversely affect the landfill). Nevada County will use all reasonable efforts to obtain the permits necessary to take Nevada City's sludge in its disposal system. Said sludge shall be deemed to be solid waste as that term is used in this agreement.

The City shall exercise all legal power and authority to enforce the collection and delivery of all commercial and residential solid waste generated within the City to the landfill. The City shall ensure the delivery of solid waste which is generated within the City to the disposal system by whatever means are necessary, including, but not limited to, procedures for hauler license revocation or suspension, financial undertakings, civil penalties, injunctive relief, or other appropriate enforcement practices and remedies. This paragraph will not be interpreted to mean that businesses and residences within Nevada City must contract with the franchise garbage collector. The City will require its franchise garbage collector to provide information to Nevada County regarding the amount of recycled solid waste handled by said franchisee. The City elects to retain whatever jurisdiction it may have over the disposition of all recyclables, reusable materials, composted refuse, and such other solid waste which may be diverted from the disposal systems to reduce the waste stream as contemplated by Public Resources Code §40000 et seq.

2. Rights to Waste Disposal and Salvage Income

All income generated through waste disposal, co-generation, etc., shall remain revenues of the County.

3. Payment to City

In consideration of City's commitment to the use of County's waste disposal system for the term of this agreement, County shall pay to City the sum of \$36,000 within sixty days from the date of the sale of the bonds which County proposes to sell for Landfill financing.

4. Term

This agreement shall be in full force and effect for a period of 30 years from the date of adoption hereof provided, however, in the event that any bonds which are issued by County are outstanding at the end of such period, this Agreement shall continue in full force and effect until one year subsequent to the payment in full by County of all such bonds.

5. Substitution

County shall cooperate with the City in the formation of a new, independent Special District which, upon formation, will assume ownership, operation, control, and responsibility for all solid waste disposal system facilities, assets, and liabilities, including any and all bonds sold for the financing of the system. Upon transfer of operations of the waste disposal system to such entity, it shall become the successor in interest to County under this Agreement.

6. Approval of Routes of Transportation

Each party to this Agreement retains the power to approve all routes of transporting refuse through its jurisdiction to the Landfill, but approval will not be unreasonably withheld.

7. Partial Invalidity

In the event that any one paragraph, or portion thereof, of this agreement shall be contrary to law, then the parties to this Agreement shall renegotiate the Agreement.

8. California Law

This Agreement concerning the use of the Landfill and delivery of solid waste shall be construed and governed in accordance with the laws of the State of California.

9. Notices

Any notices required by this Agreement shall be in writing and mailed to the parties by certified mail, postage prepaid, as follows:

If to City:

City of Nevada City
City Hall
317 Broad Street
Nevada City, CA 95959
ATTN: City Attorney
(916) 265-2496

If to County:

County of Nevada
Eric Rood Administration Center
950 Maidu Avenue, PO Box 6100
Nevada City, CA 95959-6100
ATTN: County Counsel
(916) 1319

10. Amendments

This Agreement may only be modified by a written amendment signed by both parties.

This Agreement is signed and effective February 5, 1991.

ATTEST:



Clerk of the Board of Supervisors
County of Nevada
State of California

COUNTY OF NEVADA

BY: 

Chairman of the Board of Supervisors,
County of Nevada
State of California

APPROVED AS TO FORM:

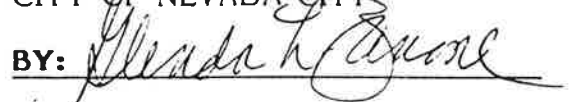
COUNTY COUNSEL

ATTEST:



City Clerk, City of Nevada City
County of Nevada
State of California

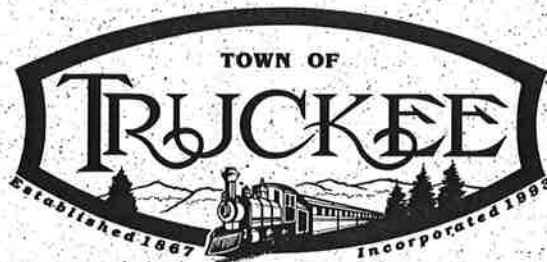
CITY OF NEVADA CITY

BY: 

Mayor, City of Nevada City
County of Nevada
State of California

APPROVED AS TO FORM:


CITY ATTORNEY



Town Council

Kathleen Eagan, Mayor

Joseph C. (Joe) Aguera

Gary R. Botto

Embree B. (Breeze) Cross

Steve A. Carpenter

Department Heads

Stephen L. Wright, Town Manager

Janet D. McGinnis, Town Treasurer

J. Dennis Crabb, Town Attorney

Clay Castleberry, Public Works

Tony Lashbrook, Community Development

March 7, 1994

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MAR 15 1994

ENVIRONMENTAL HEALTH

Tim Snellings, Director
Nevada County Dept. of Environmental Health
950 Maidu Avenue
Nevada City, CA 95959

RE: LEA Designation

Dear Mr. Snellings:

The Truckee Town Council, at their meeting of March 3, 1994, approved the attached Resolution No. 94-09 designating the County of Nevada Department of Environmental Health as the Local Enforcement Agency for Solid Waste Management and Handling. The Town appreciates your continuing cooperation in this matter, and if there is any additional information needed, please do not hesitate to call.

Yours very truly,

Stephen L. Wright
Town Manager

SLW/jrs
Enclosure

Town of Truckee
California

RECEIVED
MAR 15 1994

ENVIRONMENTAL HEALTH

RESOLUTION NO. 94-9

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF TRUCKEE DESIGNATING COUNTY OF NEVADA
DEPARTMENT OF ENVIRONMENTAL HEALTH AS THE
LOCAL ENFORCEMENT AGENCY FOR SOLID WASTE
MANAGEMENT AND HANDLING**

WHEREAS, each jurisdiction must designate a local enforcement agency for the enforcement of minimum standards for solid waste handling, disposal, and permitting, or remand that responsibility to the California Integrated Waste Management Board; and

WHEREAS, the Nevada County Department of Environmental Health possesses the required capabilities in environmental health and solid waste management to implement AB 939 (Public Resources Code 4000 et.seq.) and the ordinances, regulations, and standards that have been and will be adopted pursuant thereto; and

WHEREAS, the Nevada County Department of Environmental Health has sufficient personnel and an adequate budget to carry out the enforcement program specified by law.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN
OF TRUCKEE**, does hereby approve the designation of the Nevada County Department of Environmental Health as the Local Enforcement Agency for solid waste issues in this jurisdiction.

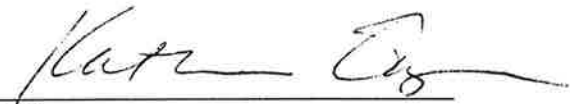
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The foregoing Resolution was introduced at a Regular Meeting of the Town Council of the Town of Truckee, held on the 3rd day of March, 1994, by Council Member Joseph Aguera who moved its adoption, which motion being duly seconded by Council Member Steve Carpenter was upon roll call carried and the Resolution adopted by the following vote:

AYES: Council Members Aguera, Botto, Carpenter, Cross and Mayor Eagan

NOES:

ABSENT:


Kathleen Eagan, Mayor

ATTEST:


Stephen L. Wright Town Clerk