

RESOLUTION NO. 6098 (17)

A Resolution of the City Council of the City of Lompoc, County of Santa Barbara, State of California, Affirming the Acceptance of Financing from the State of California Solid Waste Disposal and Codisposal Site Cleanup Program for the City of Lompoc Landfill Gas Collection and Control System and Approving the Financing Terms and Related Matters

WHEREAS, the people of the State of California have enacted Assembly Bill 2136 that authorizes the State of California Department of Resources Recycling and Recovery (CalRecycle) to initiate and administer a program for cleanup of solid waste disposal sites and for cleanup of solid waste at codisposal sites where the cleanup is needed to protect public health and safety or the environment; and

WHEREAS, the procedures established by CalRecycle require the City of Lompoc (City), as the applicant, to certify by resolution the approval of application to the State of California Solid Waste Disposal and Codisposal Site Cleanup Program (Program) and certain other matters related to the application; and

WHEREAS, on October 3, 2010, Golder Associates, Inc. (Consultant) submitted a Heat Input Capacity Report (Report) to the California Air Resources Board (CARB); and

WHEREAS, on September 7, 2011, as required by the California Global Warming Solutions Act (Act), Consultant began performing quarterly emissions monitoring of the City of Lompoc Sanitary Landfill (Landfill), finding methane emissions in excess of the Act's threshold; and

WHEREAS, as a result of the calculated heat input capacity and the detected surface methane concentrations provided in the Report, the City submitted a conceptual Landfill Gas Collection and Control System (LGCCS) design plan (Plan) to CARB for review and approval on September 6, 2012, meeting the deadline for submission of no later than September 7, 2012; and

WHEREAS, once submitted, CARB had 180 days (or by March 5, 2013) to review the conceptual design; and

WHEREAS, on March 19, 2013, the City adopted Resolution No. 5831(13) approving the application to CalRecycle for financing from the Program; and

WHEREAS, on March 21, 2013 (195 days following submission by the City of the LGCCS conceptual plan to CARB), the Santa Barbara County Air Pollution Control District (APCD) signed a memorandum of understanding with CARB and assumed responsibility for the implementation of the Act; and

WHEREAS, on November 15, 2013, CalRecycle awarded the City \$1 Million in financing from the Program for the installation of the LGCCS at a low-interest fixed rate (0.249%) and fixed term (10 years); and

WHEREAS, the State Surplus Money Investment Fund (SMIF) interest rate was 0.249% as of September 30, 2013; and

WHEREAS, on May 12, 2014, APCD provided initial review and on May 30, 2014, requested clarification on the LGCCS conceptual plan provided by the City; and

WHEREAS, on July 28, 2014, APCD notified the City of LGCCS conceptual design deficiencies; and

WHEREAS, on September 8, 2014, APCD requested additional items to be included on the LGCCS conceptual plan; and

WHEREAS, on December 5, 2014, the City provided the revised LGCCS conceptual plan to APCD; and

WHEREAS, on January 9, 2015, the City received confirmation from APCD approving the LGCCS conceptual plan, allowing the City to begin work on finalized plans for construction and installation of the LGCCS; and

WHEREAS, the Act requires the City to have the LGCCS installed and operational within 18 months of the approval of the LGCCS conceptual plan, or by July 10, 2016; and

WHEREAS, on April 21, 2015, the City entered into an agreement with Consultant for additional support and the preparation of construction plans and permits for the LGCCS, which required approval by APCD; and

WHEREAS, on January 6, 2016, the City submitted the construction plans along with the Authority to Construct application (No. 14708) to APCD for review, approval, and subsequent awarding of the Authority to Construct permit; and

WHEREAS, APCD awarded the Authority to Construct permit on December 19, 2016, five months after the Act's regulatory deadline for completion of the LGCCS; and

WHEREAS, due to the passage of time, on November 17, 2016, CalRecycle renewed its award to the City of \$1 Million in financing from the Program for the installation of the LGCCS under the same terms as the original November 15, 2013,

award, except that the low-interest fixed interest rate was changed to 0.599%, based on the SMIF rate effective on September 30, 2016; and

WHEREAS, because of the passage of time and the renewal of CalRecycle's award, CalRecycle requires the City to affirm its intent to proceed with the financing and to enter into an agreement with CalRecycle for the site cleanup by certifying by resolution certain matters relating to the financing;

WHEREAS, in order to effectuate the financing, the City and CalRecycle desire to enter into the Installment Sale Agreement, a copy of which is on file with the City Clerk, whereby the City will purchase and install the LGCCS.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City filed an application in April 2013 resulting in an award of financing by CalRecycle on November 15, 2013, and due to the passage of time since the award and CalRecycle's renewal of its award on November 17, 2016, the City hereby accepts the CalRecycle financing under the terms of the November 17, 2016, renewal of the award.

SECTION 2. The City Council certifies it has, or will have, sufficient funds, in addition to the funds provided by the financing, to operate, maintain, and complete the LGCCS.

SECTION 3. Except as provided in Section 4, any of the City Manager, Utilities Director, and the Management Services Director, or their designees, as agents of the City, are hereby appointed to conduct all negotiations and submit all documents including, but not limited to, applications, agreements, amendments, and so on, which may be necessary for the completion of the LGCCS. Any and all acts authorized by this Resolution and performed before the passage of this Resolution are hereby ratified and approved.

SECTION 4. The City Manager and either the Utilities Director or the Management Services Director (Authorized Officer), as agents of the City, are hereby appointed to jointly execute and deliver the Installment Sale Agreement, to be entered into by the City and CalRecycle under the terms of CalRecycle's November 17, 2016, renewal of the financing award.

SECTION 5. The Installment Sale Agreement shall be in substantially the form on file with the City Clerk with such changes as may be approved by an Authorized Officer, the execution thereof to be conclusive evidence of the Authorized Officer's approval of the Installment Sale Agreement.

SECTION 5. Effective Date. This Resolution is effective on the day of its adoption.

The foregoing Resolution was proposed by Council Member _____, seconded by Council Member _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on February 7, 2017, by the following vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Bob Lingl, Mayor
City of Lompoc

ATTEST:

Stacey Haddon, City Clerk
City of Lompoc