



BOARD OF SUPERVISORS

Vacant, 1st District
Kevin Goss, Chair 2nd District
Sharon Thrall, Vice Chair 3rd District
Lori Simpson, 4th District
Jeff Engel, 5th District

**AGENDA FOR ADJOURNED REGULAR MEETING OF SEPTEMBER 22, 2020
TO BE HELD AT 10:00 A.M. IN THE BOARD OF SUPERVISORS ROOM 308,
COURTHOUSE, QUINCY, CALIFORNIA**

www.countyofplumas.com

AGENDA

The Board of Supervisors welcomes you to its meetings which are regularly held on the first three Tuesdays of each month, and your interest is encouraged and appreciated.

Any item without a specified time on the agenda may be taken up at any time and in any order. Any member of the public may contact the Clerk of the Board before the meeting to request that any item be addressed as early in the day as possible, and the Board will attempt to accommodate such requests.

Any public comments made during a regular Board meeting will be recorded. The Clerk will not interpret any public comments for inclusion in the written public record. Members of the public may submit their comments in writing to be included in the public record.



REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (530) 283-6170. Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility. Auxiliary aids and services are available for people with disabilities.

STANDING ORDERS

Due to the Coronavirus disease (COVID-19) Public Health Emergency, dated March 16, 2020, the County of Plumas is making several changes related to Board of Supervisors meetings to protect the public's health and prevent the disease from spreading locally.

California Governor Gavin Newsom issued Executive Order N-29-20 on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic.

Pursuant to the Executive Order, and the Governor's temporary partial exemptions to the Brown Act, and to maintain the orderly conduct of the meeting, the County of Plumas members of the Board of Supervisors may attend the meeting via teleconference or phone conference and participate in the meeting to the same extent as if they were physically present. Due to the Governor's temporary, partial exemption to the Brown Act, the Boardroom will be open to the public but subject to social distancing requirements, which limit the number of people that may enter to 25% of room capacity. Those that wish to attend the Board meeting, will be required to wear a face covering, as required by the local Public Health Officer order. The public may participate as follows:

Live Stream of Meeting

Members of the public who wish to watch the meeting, are encouraged to view it [LIVE ONLINE](#)

Public Comment Opportunity/Written Comment

Members of the public may submit written comments on any matter within the Board's subject matter jurisdiction, regardless of whether the matter is on the agenda for Board consideration or action. Comments will be entered into the administrative record of the meeting.

Members of the public are strongly encouraged to submit their comments on agenda and non-agenda items using e-mail address Public@countyofplumas.com

10:00 A.M. **CALL TO ORDER/ROLL CALL**

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT OPPORTUNITY

Matters under the jurisdiction of the Board, and listed on this notice of special meeting may be addressed by the general public at the beginning of the agenda. Any member of the public wishing to address the Board during the "Public Comment" period will be limited to a maximum of 3 minutes.

ACTION AGENDA

1. PUBLIC WORKS – Robert Perreault [View Item](#)

Solid Waste Division:

- A. Consider proposed Pledge of Revenue to establish a second Financial Assurance Mechanism to cover corrective action costs at Chester Landfill No. 32-AA-009 in the base estimated amount of \$317,552; discussion and possible action
- B. Adopt **RESOLUTION** Pledge of Revenue to Establish a Financial Assurance Mechanism for Corrective Action of the Chester Landfill. **Roll call vote**

2. BOARD OF SUPERVISORS

- A. **CONTINUED PUBLIC HEARING:** The Board of Supervisors will continue the public hearing, from September 8, 2020, on the FY 2020-2021 County Budget. Any member of the general public may appear at the hearing or submit their comments using e-mail address Public@countyofplumas.com
- B. Report and update by Gabriel Hydrick, County Administrator on the FY 2020-2021 Budget; discussion and possible action regarding various county departments and programs [View Item](#)
- C. Review Administrative and Budgetary Controls Consistent with Government Code Sections 29092 and 29125, During Fiscal Year 2020-2021; discussion and possible action
- D. Close the **PUBLIC HEARING** on the FY 2020-2021 County Budget; and adopt **RESOLUTION**, adopting the Final Budget for Plumas County and the Dependent Special Districts therein for Fiscal Year 2020-2021, in accordance with Government Code §29092, and Other Budgetary Administrative Controls in accordance with §29092. **Roll call vote**

ADJOURNMENT

Adjourn meeting to Tuesday, October 6, 2020, Board of Supervisors Room 308, Courthouse, Quincy, California.

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PLUMAS COUNTY
DEPARTMENT OF PUBLIC WORKS
SOLID WASTE DIVISION

1834 EAST MAIN STREET • QUINCY, CA 95971 • (530) 283-6268

Robert A. Perreault, Jr., P.E., Director of Public Works, Heidi H. Putnam, Solid Waste Manager

AGENDA REQUEST

for the September 22, 2020 Meeting of the Board of Supervisors

Date: **September 17, 2020**

To: Honorable Board of Supervisors

From: Robert Perreault, Director of Public Works

Subject: Consideration of a proposed Pledge of Revenue to establish a second Financial Assurance Mechanism to cover corrective action costs at Chester Landfill No. 32-AA-009; and consideration of associated resolution; for discussion and possible action.



BACKGROUND:

The primary purpose of this Agenda Request, is to enable the Board of Supervisors to receive a report and recommendations from the Department of Public Works pertaining to establishing a second Pledge of Revenue to demonstrate the ability to provide financial assurances for the cost of initiating and completing corrective action for all known or reasonably foreseeable water releases from the Chester Landfill facility 32-AA-009, in at least the amount of the current corrective action plan as approved by the California Regional Water Quality Control Board (RWQCB), in compliance with California Code of Regulations (27 CCR) Regarding Corrective Action Financial Assurances.

(Title 27, California Code of Regulations (27CCR), Division 2, Chapter 6, Subchapter 2, Article 4, section 22221, (27 CCR, section 22221) requires operators of disposal facilities to demonstrate financial responsibility to CalRecycle for initiating and completing any known or reasonably foreseeable corrective action for at least the amount or greater of the most recently approved or most recently submitted water or non-water corrective action estimate.)

The Chester Sanitary Landfill is a Class III landfill located on property owned by the Plumas County Department of Public Works (purchased from Roseburg Resources Company in 2003), located approximately 5 miles northeast of Chester, California.

Provision G. 13 of the WDR (per 27CCR) – The Discharger shall obtain and maintain assurances of financial responsibility for initiating and completing corrective action for all known and reasonably foreseeable releases from the landfill in an amount approved by the Executive Officer, and shall submit the financial assurance mechanism to the Financial Assurance Section of the former California Integrated Waste Management Board (CIWMB now known as CalRecycle) for approval.

The County was to provide by November 15, 2009 cost estimates for initiating and completing corrective action associated with known or reasonably foreseeable releases from Chester Landfill. The letter indicated that Plumas County would need to work with CalRecycle, to demonstrate adequate financial resources in the amount of the cost estimate, once it was approved. The estimate was due and completed by January 31, 2009.

The most recent Water Release Corrective Action Plan (WRCAP) and cost estimate was prepared for the Chester Landfill in November of 2009. The WRCAP included a cost estimate for corrective action of \$ 267,750.00. There is also a Non-Water Release Corrective Action Plan (NWRCAP) for Chester Landfill. The Corrective Action Plan was last updated in November 18, 2014 and included a cost estimate for corrective action in case of a non-water release for Chester Landfill is \$34,520.20 in 2014. Both plans have been approved by CalRecycle and are used by CalRecycle to calculate the amount of financial assurances required for corrective action.

The current Pledge of Revenue document, dated March 27, 1990, in the amount of \$5,588,008.00. This Pledge of Revenue, covers only for post closure Maintenance and Sampling of the Chester Landfill and the Gopher Hill Landfill. The Current POR does not cover costs associated with the Corrective Action Plan. To address this matter, Plumas County needs to adopt a second POR to address the water release corrective costs in the base amount of \$317,552.00 and submit the second POR to CalRecycle for review and approval.

FUNDING OF THE SECOND POR:

Pledges of Revenue requires that a sufficient funds be escrowed by the Plumas County Auditor in order to be made immediately available in the event that such funds are needed for a corrective action expenditure. The base cost is estimated at \$317,552.00. The Corrective Action Plan for Chester Landfill does not identify a specific corrective action period, therefore the total cost estimate will be divided by 30 years (per CalRecycle default multiplier). $\$317,552/30 = \$10,585$ per year.

In addition to the POR base amount, CalRecycle requires that operator/owners of landfills, factor in an annual cost of inflation based on information CalRecycle obtains from the U.S. Department of Commerce, Bureau of Economic Analysis.

Once the 30 year contribution to fund balance is complete, there will still be a need to annually contribute to this financial mechanism as the amount of this pledge estimate will need to adjust due to inflation factors.

Agenda Request

Chester Landfill - Pledge of Revenue – Corrective Action

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RECOMMENDATION:

The Director of Public Works respectfully recommends that, the Board of Supervisors vote to adopt the attached proposed 2nd Pledge of Revenue to establish a Financial Assurance Mechanism to cover Corrective Action Costs at Chester Landfill, No. 32-AA-009 in the base estimated amount of \$317,552.00 (2020 dollars), and to adopt attached Resolution therefore.

ATTACHMENTS:

FINANCIAL ASSURANCE FOR
CORRECTIVE ACTION OF THE CHESTER LANDFILL

WHEREAS, Public Resources Code sections 43500 through 43610.1 and Title 27, California Code of Regulations (Regulations), Division 2, Subdivision 1, Chapter 6, require operators of solid waste landfills to demonstrate the availability of financial resources to conduct closure, post closure maintenance, and corrective action activities; and

WHEREAS, sections 22228 and 22245 of the Regulations specify a Pledge of Revenue as an acceptable mechanism to demonstrate financial responsibility for financing corrective action costs of a solid waste landfill.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Plumas that:

1. The County of Plumas operates the Chester Landfill, a solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in Solid Waste Facilities Permit No. 32-AA-0009 issued by, Plumas County LEA serving as Local Enforcement Agency for the California Department of Resources Recycling and Recovery (CalRecycle).
2. The County of Plumas shall establish a Pledge of Revenue to demonstrate financial responsibility for corrective action of the Chester Landfill in accordance with sections 22228 and 22245 of the Regulations.
3. Disbursement of funds for corrective action shall be in accordance with the final plan, as approved by CalRecycle.
4. In the event that CalRecycle determines that the County of Plumas has failed, or is failing, to perform corrective action as required by law, CalRecycle may direct the Plumas County Auditor-Controller to pay to the Chief Engineer from the pledged revenues sufficient funds to ensure corrective action, who then shall be obligated to use such funds for corrective action in accordance with the directives of CalRecycle.
5. The Chief Engineer is directed to produce an Annual Certification Report for transmittal to CalRecycle (form CalRecycle 114) as required by Section 22233(b)(4)(B) of the Regulations to demonstrate that the pledge of revenue continues to be available when needed and will cover the cost estimate identified in the updated Annual Inflation Report required by Section 22236 of the Regulations. It is understood that copies of the Resolution and Pledge of Revenue Agreement for Chester Landfill are not required annually, unless amended.
6. In conjunction with this Resolution, attached is a copy of the "Pledge of revenue agreement Between Plumas County and the California Department of Resources Recycling and Recovery (CalRecycle) for Corrective Action Chester Landfill"

7. The number of current members of the Board of Supervisors of the County of Plumas who voted affirmatively when this resolution was adopted.

Ayes:

Noes:

STATE OF CALIFORNIA)
) ss.
COUNTY OF PLUMAS)

I, Nancy DaForno, Clerk of Board of Supervisors of the County of Plumas, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Supervisors at a regular meeting held on _____, 2020, and duly entered in the minutes of said County.

Nancy DaForno
Clerk

Seal _____

PLEDGE OF REVENUE AGREEMENT BETWEEN PLUMAS COUNTY AND THE CALIFORNIA
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) FOR
POSTCLOSURE MAINTENANCE [AND/OR] CORRECTIVE ACTION
CHESTER LANDFILL

This agreement establishes a Pledge of Revenue to assure that adequate funds are available to carry out the Corrective Action of the Chester Landfill.

This Agreement shall become effective immediately, and is made and entered into by and between the County of Plumas and the California Department of Resources Recycling and Recovery (CalRecycle).

WHEREAS, Public Resources Code, sections 43500 through 43610.1 and Title 27, California Code of Regulations (Regulations), Division 2, Subdivision 1, Chapter 6, require operators of solid waste landfills to demonstrate the availability of financial resources to conduct closure, corrective action activities; and

WHEREAS, sections 22228 and 22245 of the Regulations specify a Pledge of Revenue as an acceptable mechanism to demonstrate financial responsibility for corrective action costs of a solid waste landfill; and

WHEREAS, the County of Plumas operates the Chester Landfill, a solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in Solid Waste Facilities Permit No. 32-AA-0009 issued by, Plumas County LEA serving as Local Enforcement Agency for CalRecycle; and

WHEREAS, the County of Plumas is pledging an annual amount of \$10,585.00 of net revenues from received from Plumas County Solid Waste Franchise Contractors, Intermountain Disposal and Feather River Disposal; and

WHEREAS, the County of Plumas has determined that projected 3.34% of net revenues received through franchise fees during the state mandated corrective action period, shall, during each year of this period be greater than the yearly corrective action costs contained in the most recent cost estimate for Chester Landfill, which has been submitted to CalRecycle in accordance with section 21840 (and/or) sections 22100-22103 of the Regulations.

NOW THEREFORE, the County of Plumas and CalRecycle do agree as follows;

1. The County of Plumas hereby establishes a pledge of revenue to demonstrate financial responsibility for corrective action costs of the Chester Landfill in accordance with sections 22228 and 22245 of the Regulations.
2. The County of Plumas agrees to pledge net revenues from solid waste Franchise Contractor Fees as described herein.
3. The amount of the pledged revenue shall be equal to \$10,585.00 per year for the estimated length of the corrective action period, representing the most recent corrective action cost estimate for the Chester 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 County of Plumas and CalRecycle.
5. The Chief Engineer is directed to produce an Annual Certification Report (form CalRecycle 114) as required by Section 22233(b)(4)(B) of the Regulations to demonstrate that the pledged revenue continues to be available when needed and will cover the cost estimates identified in the updated Annual Inflation Report required by Section 22236 of the Regulations. It is understood that copies of the Resolution and Pledge of Revenue Agreement are not required annually, unless amended.

6. If the County of Plumas ceases at any time to retain control of its ability to allocate the pledged revenue as identified herein to pay corrective action costs, the County of Plumas shall notify CalRecycle and the local enforcement agency and shall obtain alternate coverage within sixty (60) days after the control of funds lapses, pursuant to section 22245 of the Regulations.
7. In the event that CalRecycle, RWQCB or LEA staff determine that the County of Plumas has failed, or is failing, to perform corrective actions as required by law, CalRecycle, RWQCB and/or LEA staff shall confer with the County of Plumas and attempt to resolve the alleged violation. If no agreement is reached, the matter shall be presented to CalRecycle which shall give reasonable notice, hold a public hearing, and consider the testimony and documentation submitted by CalRecycle and/or LEA staff, the County of Plumas, and any interested parties, prior to making a determination in the matter. In the event CalRecycle then determines that the County of Plumas has failed, or is failing, to perform corrective action as required by law, CalRecycle may direct the Auditor-Controller to pay the Chief Engineer from the pledged revenues sufficient funds to ensure corrective action, who then shall be obligated to use such funds for corrective action in accordance with the directives of CalRecycle and RWQCB.
8. It is understood that the parties may, by mutual written consent, amend this agreement at anytime. The parties stipulate that in all likelihood the pledge amount may need to increase with time, and the source of revenue may change over time according to the County's financial situation and preferences of the County's voting public.

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

By County of Plumas this _____ day of _____, 20_____

By CalRecycle this _____ day of _____, 20_____

STATE OF CALIFORNIA
California Department of Resources
Recycling and Recovery (CalRecycle)

COUNTY OF PLUMAS

By: _____
Authorized Officer of the CalRecycle

By: _____
Director of Public Works

APPROVED AS TO FORM
AND PROCEDURE:

By: _____
Authorized Counsel of the CalRecycle

ATTEST:

By: _____
Name Title

APPROVED AS TO FORM
AND PROCEDURE:

By: _____
County Counsel

JC

**ADMINISTRATIVE AND BUDGETARY CONTROLS CONSISTENT WITH
GOVERNMENT CODE SECTIONS 29092 AND 29125,
DURING FISCAL YEAR 2020-2021**

Consistent with Government Code Section 29092, the Board of Supervisors adopts these Administrative and Budgetary Controls for the administration of the Plumas County 2020-2021 Budget.

County Owned Personal Property

Sole authority for the disposition, lease, sale, or trade-in of all County-owned personal property shall rest with the Purchasing Agent or the Board of Supervisors, within the delegated authority, consistent with Government Code Section 25504 and Plumas County Code 3-1.19

Contracts and Leases

A County Department Head may approve contracts for which an appropriation is budgeted, not exceeding five thousand dollars (\$5,000) in value, subject to approval by County Counsel

Budget Transfers

The Auditor/Controller has authority to approve transfers and revisions of appropriations within a budget unit if overall appropriations of the budget unit are not increased. Provided, however, no budget transfers in amounts greater than \$5,000 shall be allowed to, from or within Salaries and Benefits (all 51XXX series accounts) and Fixed Assets (all 54XXX series accounts) without prior approval of the Board of Supervisors.

Critical Staffing

The filling of all positions vacated during the 2020-2021 fiscal year shall be approved by the Board of Supervisors and supported by the Critical Staffing Questionnaire and current Department Organizational Chart

Mid-Year Budget Review

The Auditor/Controller shall provide the Board of Supervisors a mid-year budget report in the month of February.

Department Head and Auditor/Controller Responsibility

Department Heads shall insure that no expenditure is made or obligation incurred in excess of the specific budget appropriation approved by the Board of Supervisors. Any expenditure or obligation incurred, in excess of the specific budget appropriation, shall be the personal obligation of the Department Head authorizing the expenditure or obligation. The Auditor/Controller shall issue no warrants unless specifically approved by the Board of Supervisors or the County Purchasing Agent, within the delegated authority.

Policies

Department Heads and County employees are referred to existing County policies as provided in the County Policy Manual.

Departmental Reorganization/Reclassification

Pursuant to Government Code §29124 of the County Budget Guide, while operating under a recommended budget, any requests for departmental reorganization/reclassifications shall be deferred following adoption of the fiscal year budget.