



Legislation Text

File #: 16-1029, **Version:** 1

Chief Administrative Office recommending the Board approve and authorize the Chair to sign a budget transfer related to the Settlement Agreement and Modification of Partial Consent Decree with the United States Forest Service for the Meyers Landfill site increasing General Fund revenue by \$1,400,000 of which \$500,000 is payable to the US Forest Service and \$900,000 is increasing the General Fund Contingency. (4/5 vote required)

FUNDING: United States Forest Service.

DEPARTMENT RECOMMENDATION

The Chief Administrative Office recommending the Board approve a budget transfer related to the Settlement Agreement and Modification of Partial Consent Decree with the United States Forest Service for the Meyers Landfill site increasing General Fund revenue by \$1,400,000, of which \$500,000 is payable to the US Forest Service and \$900,000 is increasing the General Fund Contingency.

DISCUSSION / BACKGROUND

On September 23, 2016 the US District Court approved the Settlement Agreement and Modification of Partial Consent Decree (SA/MPCD) for the Meyers Landfill Site. The settlement states:

"1. As soon as reasonably practicable after the effective date of this SA/MPCD, the United States, on behalf of the Forest Service, shall pay to the County \$4,100,000 to resolve any and all claims alleged by the County in conjunction with the County's Motion as well as any and all claims that the County had, has, or may have arising out of the transaction or occurrence that is the subject matter of the County's motion.

"5. Within 30 days of receiving the payment required by Paragraph 1 of this SA/MPCD, the County shall pay to the Forest Service \$500,000 to resolve any and all claims the United States, on behalf of the Forest Service, has, had, or may have to recover any or all Interim Response Costs and Future Response Costs associated with OU-1."

"8. Within 30 days of receiving the payment required by Paragraph 1 of this SA/MPCD, the County shall establish and fund an interest-bearing trust in the amount of \$2,700,000 to be used for OU-1 Operation and Maintenance ("O&M"). The County shall establish and fund such trust in accordance with instructions, to be provided by the United States promptly after the Effective Date of this SA/MPCD. Any fees required to establish or maintain the trust shall be subtracted from the \$2,700,000 funding.

The El Dorado County Treasury received the \$4,100,000 via wire transfer on October 6, 2016 and recorded the funds in the County General Fund. The USFS has identified some extenuating circumstances with the establishment of a trust fund as identified in paragraph 8 of the SA/MPCD, and has requested a minor modification to the SA/MPCD which would direct the County to hold the \$2,700,000 in a Trust Fund for a period not to exceed six months, at which time the USFS will

provide trust fund instructions. The attached budget transfer does not include the \$2,700,000 as these funds are being held by the County in trust for the USFS.

ALTERNATIVES

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

CAO RECOMMENDATION

Approve as recommended.

FINANCIAL IMPACT

From 2012 through 2014, the General Fund contributed approximately \$5.3M towards the Meyers Landfill. This settlement agreement provides a partial repayment to the General Fund of \$900,000 which the Chief Administrative Office is recommending be put in the General Fund Contingency.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Clerk of the Board will obtain the Chair's signature on the Budget Transfer and forward to the Auditor-Controller's Office.

STRATEGIC PLAN COMPONENT

CONTACT

Kerri Williams-Horn