

RESOLUTION NO. 4323

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
APPROVING AMENDMENTS TO SECTION 12(P) – POWERS AND FUNCTIONS
AND ELIMINATING SECTION 18 - LAND USE RESTRICTIONS OF THE JOINT
POWERS AGREEMENT BETWEEN THE CITY OF SALINAS, THE CITY OF
GONZALES, THE CITY OF GREENFIELD, THE CITY OF KING, THE CITY OF
SOLEDAD AND THE COUNTY OF MONTEREY CREATING THE SALINAS VALLEY
SOLID WASTE AUTHORITY**

WHEREAS, on October 16, 2008, the SVSWA Board approved Resolution No. 2008-50 amending the language in Section 12 (p) regarding the flow control of green waste, C&D and other diversion related material and adopted Resolution No. 2008-49 deleting Section 18 from the JPA; and

WHEREAS, in order for the amendments to become effective, the approval of all member agencies is needed.

BE IT HEREBY RESOLVED, by the City Council of the City of Soledad as follows:

Section 1: Section 12(p) of the Salinas Valley Solid Waste Authority Joint Powers Agreement is newly amended to read as follows:

p. Exercise flow control, to the extent permitted by law under Title 7, Division 30, Chapter 1, Article 2, (commencing with section 40059) of the Public Resource Code, to deliver or cause to be delivered all of the solid waste, including construction and demolition materials, concrete, asphalt, woodwaste and yardwaste, and other materials as identified by the Authority Board for diversion from landfill disposal, collected within and by or under contract to or under permit with the cities of Salinas, Gonzales, Greenfield, King and Soledad, County or Authority, to the landfills, transfer stations, materials recovery facilities, or any other solid waste facilities as directed or certified by the Authority Board. The Authority Board shall exercise flow control such that no Party to this Agreement or franchised or permitted collector shall suffer undue economic hardship where any such Party of collector operates resources recovery facilities in conjunction with its collection operation.

Section 2: Section 18 of the Salinas Valley Solid Waste Authority Joint Powers Agreement is hereby eliminated.

Section 3: The City Manager is hereby authorized to execute the documentation documents related with the Salinas Valley Solid Waste Authority Joint Powers Agreement Amendments.

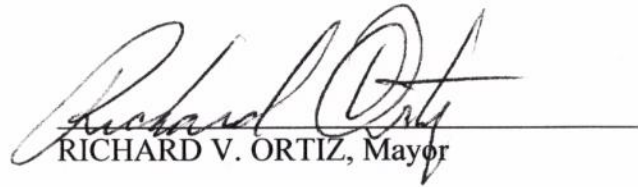
PASSED, APPROVED and ADOPTED at a regular meeting held this 7th day of January, 2009, by the following vote:

AYES, and in favor thereof, Councilmembers: Richard J. Perez, Juan Saavedra, Patricia Stephens, Mayor Pro Tem Martha Camacho, Mayor Richard Ortiz

NOES, Councilmembers: None

ABSTAIN, Councilmembers: None

ABSENT, Councilmembers: None



RICHARD V. ORTIZ, Mayor

ATTEST:



ADELA P. GONZALEZ, City Clerk