

(Published in The Wichita Eagle on December 24, 2015)

ORDINANCE NO. 50-139

AN ORDINANCE OF THE CITY OF WICHITA, KANSAS (THE "CITY"), AUTHORIZING A CITY POST-CLOSURE LANDFILL FUND AS A SPECIAL REVENUE FUND WITH A NECESSITY TO MAINTAIN A COMMITTED BALANCE WITHIN THE FUND;

WHEREAS, the City of Wichita, Kansas (the "City") is a municipal corporation duly organized and validly existing under the laws of the State of Kansas (the "State") as a city of the first class; and,

WHEREAS, Special Revenue Funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes; and,

WHEREAS, the City owns and operates solid waste facilities located within the limits of the City of Wichita; and,

WHEREAS, such solid waste facilities require maintenance and monitoring functions at the site for thirty years (30) after the regulatory closure date; and

WHEREAS, the City shall satisfy the financial assurance requirement for closure and post-closure care by providing a trust fund, a surety bond guaranteeing payment, an irrevocable letter of credit or insurance policy, or by passing a financial test or obtaining a financial guarantee from a related entity, to guarantee the future availability of funds; and

WHEREAS, the City of Wichita has elected to utilize the local government financial test as specified in 40 CFR 258.74(f), adopted by reference for use in Kansas by K.A.R. 28-29-98 to satisfy the requirement for future availability of funds, and has heretofore taken steps to support such a fund by Resolution No. 12-145 of the City of Wichita, Kansas; and

WHEREAS, Article 12, Section 5 of the Kansas Constitution empowers cities to determine their local affairs and government; and,

WHEREAS, the Governing Body of the City desires, under the authority of Article 12, Section 5 of the Kansas Constitution, to formalize by ordinance its establishment of a budgeted, special revenue fund to receive and retain designated revenues from its solid waste facilities to be used primarily to satisfy the financial assurance requirement for closure and post-closure care, and hereby finds and determines that such is necessary and desirable and in the interest and for the general welfare of the City and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS;

SECTION 1. The Governing Body hereby finds and determines that it is necessary and desirable to establish, under the authority of Article 12, Section 5 of the Kansas Constitution, a budgeted, special revenue fund to receive revenues from solid waste landfill facilities to satisfy the financial assurance requirement for closure and post-closure care by maintaining in the Landfill Post-Closure Fund a fund balance equal to or greater than the minimum of 85% of the local financial test calculation.

SECTION 2. **Continuation of Landfill Post-Closure Fund.** The special revenue fund contemplated by Resolution No 12-145 and by this ordinance is hereby ratified, established and maintained for receipt of revenue resulting from the use of City solid waste landfill facilities owned or operated by the City and to commit expenditure of this revenue to guarantee the future availability of funds by maintaining a minimum balance in such fund at least equal to 85% of the local financial test calculation.

SECTION 3. This Ordinance shall take effect and be in force from and after its passage and publication one time in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this 22ndday of December, 2015.

CITY OF WICHITA, KANSAS

By _____
Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law