

ORDINANCE NO. 2047

AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA, AUTHORIZING THE ESTABLISHMENT OF A SPECIAL FUND FOR POST CLOSURE CARE OF THE LEXINGTON LANDFILL; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

WHEREAS the City is required by law to provide security for the required costs of administration of a post-closure plan for the Lexington Sanitary Landfill.

BE IT THEREFORE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, as follows:

Section 1. There is hereby ordered established a special fund to be known as the LEXINGTON LANDFILL POST CLOSURE CARE FUND, which shall be kept as a separate fund apart from all other funds of the City. On or before the date of final closure of the Lexington Sanitary Landfill, the City shall deposit into said fund the sum of \$250,000.00. Said fund shall be invested as provided by law, and the income from said investments shall remain a part of said special fund. No money shall be disbursed from said fund except for the purpose of paying the actual expense of compliance with the terms of an approved post-closure plan for the Lexington Sanitary Landfill. If at the end of a fiscal year, the audit report indicates that the

fund is below the sum of \$250,000.00, the City of Lexington shall deposit such amount of money as will restore said fund to the sum of \$250,000.00, such deposit to be made within 30 days of the occurrence of a deficiency. The obligation to maintain said fund at \$250,000.00 shall be considered as a general obligation indebtedness of the City of Lexington, Nebraska, and shall be paid from tax funds or from revenue received from the collection fee established for the City-wide solid waste collection system.

Section 2. In the event the director of the Nebraska Department of Environmental Quality (NDEQ) determines that the City of Lexington has failed, or is failing, to perform the post-closure care activities in accordance with the approved post-closure plan, or as required by law, the NDEQ Director may direct the Lexington City Manager to expend such amounts from the fund as are required for compliance with the post-closure plans.

Section 3. The Lexington City Manager is directed to provide to the Nebraska Department of Environmental Quality an annual financial report, within thirty (30) days of the beginning of City's fiscal year. Such report shall provide information regarding the financial responsibility for the Lexington landfill, including the following:

- a. Annual budget for estimated cost of post-closure care for the following year;

- b. An account of all receipts and expenditures in the Lexington Landfill Post-Closure Care Fund for the preceding fiscal year; and
- c. A schedule of all assets and investments constituting the Lexington Landfill Post-Closure Care Fund.

Section 4. That all other Ordinances or sections of Ordinances in conflict herewith are hereby repealed.

Section 5. That this Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 27th day of February, 1996.

CITY OF LEXINGTON, NEBRASKA

BY: Robert L. Hawks
Mayor

ATTEST:

Gene E. Madsen
City Clerk

