

RESOLUTION NO. 3

SERIES 2017

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
REGARDING THE COLLECTION, TRANSPORTATION, AND DISPOSAL
OF SOLID WASTE IN SUMMIT COUNTY, COLORADO

WHEREAS, the collection, transportation, and disposal of solid waste, rubbish, recyclable materials, and other discarded materials is a matter of general public importance and concern; and

WHEREAS, the State of Colorado has by statute expressly endorsed “local efforts . . . focused toward the reduction of the volume . . . of the waste stream . . . through source reduction, recycling, composting, and similar waste management strategies,” and also recognizes that “improper disposal of solid wastes poses significant public health risks and environmental hazards” (Section 30-20-100.5, C.R.S.); and

WHEREAS, pursuant to Section 31-15-401, C.R.S.; Section 30-20-107, C.R.S.; Section 31-15-103, C.R.S.; Article XX, Section 6 of the Colorado Constitution, and other applicable authority, the Town has the legal authority to adopt ordinances or resolutions regulating solid waste disposal, including the performance of solid waste hauling services within the Town; and

WHEREAS, the Town Council believes that the cooperative regulation of solid waste disposal and the licensing of solid waste haulers will provide an efficient and effective means of implementing and enforcing solid waste management policies; and

WHEREAS, the Summit County Resource Allocation Park (“SCRAP”) is the only permitted solid waste disposal facility located in Summit County, and is operated by the Summit County Government in conjunction with the County’s recycling, composting, and other solid waste management programs and facilities on County-owned property within the Summit County Resource Allocation Park Planned Unit Development; and

WHEREAS, the SCRAP contains the public site where solid waste generated within Summit County was historically dumped on federal lands prior to the adoption of modern federal and state solid waste disposal laws and regulations; and

WHEREAS, Summit County Government acquired the SCRAP property from the United States of America pursuant to an Act of the United States Congress, Public Law 101-631, for solid waste disposal and continued improvement in local solid waste disposal operations; and

WHEREAS, pursuant to Public Law 101-631 and the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA” or “Superfund”) Summit County Government further entered into a covenant with the United States that indemnified the United States from various environmental liabilities associated with solid waste disposal at the SCRAP; and

WHEREAS, Summit County Government has invested tens of millions of dollars of public revenues in the SCRAP improvements and operations to continually mitigate and eliminate the environmental impacts of the site from past solid waste disposal, so that the SCRAP is now a modern solid waste disposal facility that engages in a wide range of waste diversion, recycling, and environmental remediation activities; and

WHEREAS, significant additional operations are nonetheless required at the SCRAP to ensure that the currently approved facility design is completed and the environmental risks posed by past and present waste disposal continue to be adequately remedied; and

WHEREAS, the Town Council believes that the SCRAP is an important public resource, and the Town Council has determined that it should designate and approve the SCRAP as the Town of Breckenridge’s exclusive solid waste disposal site and facility to be used for the disposal of solid wastes generated within the Town in order to facilitate the community’s solid waste management goals, protect the public health and environment, and protect all the property owners and citizens of the Town and Summit County from potential future environmental liabilities; and

WHEREAS, the SCRAP operations are funded by the revenue it generates through the collection of discarded solid waste materials, and such revenue funds Summit County

Government's integrated and comprehensive solid waste management program, including compliance with state and federal environmental regulations; and

WHEREAS, the transport of discarded solid waste collected in Summit County to disposal facilities located outside of Summit County has substantially reduced the SCRAP's revenue, and therefore will detrimentally affect the SCRAP operations, including the funding of a variety of solid waste management programs in Summit County such as recycling operations and compliance with ongoing environmental goals and policies; and

WHEREAS, the Town desires to cooperate with Summit County Government and the towns of Dillon and Frisco in the development and implementation of solid waste management regulations regarding solid waste hauling and disposal in Summit County and the Towns in an effort to further the solid waste goals of the parties, and to protect the SCRAP's ability to continue its current waste management programs and operations in a consistent manner that is reasonable, necessary, and in the best interests of public health, safety and welfare; and

WHEREAS, pursuant to Title 29, Article 1, Part 2, C.R.S., as amended, and Article XIV, Section 18 of the State Constitution, governments may contract with one another to provide any function, service, or facility lawfully authorized to each of the contracting units; and

WHEREAS, a proposed intergovernmental agreement between the Town, Summit County Government, and the towns of Dillon and Frisco, entitled an "Intergovernmental Agreement Regarding Collection, Transportation and Disposal of Solid Waste in Summit County, Colorado," has been prepared; and

WHEREAS, the Town Council has reviewed the proposed intergovernmental agreement, and finds and determines that it would be in the best interest of the Town to enter into such agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO, as follows:

Section 1. The "Intergovernmental Agreement Regarding Collection, Transportation and Disposal of Solid Waste in Summit County, Colorado" between the Town, Summit County Government, and the Towns of Dillon and Frisco (**Exhibit "A"** hereto), is approved, and the Town Manager is authorized, empowered, and directed to execute such agreement for and on behalf of the Town of Breckenridge.

Section 2. This resolution is effective upon adoption.

RESOLUTION APPROVED AND ADOPTED this 24th day of January, 2017.

TOWN OF BRECKENRIDGE

By: _____/s/_____
Eric S. Mamula, Mayor

ATTEST:

_____/s/_____
Helen Cospolich, CMC
Town Clerk

APPROVED IN FORM

_____/s/_____
Town Attorney Date