

REVISED
11-8-04

RESOLUTION 2005-14

**A RESOLUTION DISSOLVING THE LAKE, OBION AND WEAKLEY COUNTIES
MUNICIPAL SOLID WASTE PLANNING REGION AND CREATING WEAKLEY COUNTY'S
MUNICIPAL SOLID WASTE PLANNING REGION**

WHEREAS, the adoption of the Subtitle D landfill regulations by the United States Environmental Protection Agency and companion regulations adopted by the Tennessee Solid Waste Control Board has had a impact on both the cost and method of disposal of municipal solid waste; and

WHEREAS, at the urging and support of a coalition of local government, environmental, commercial and industrial leaders, the 97th Tennessee General Assembly enacted T.C.A. 68-211-801 et seq. Titled "A Solid Waste Act of 1991"; and

WHEREAS, with the view that better planning for solid waste will help control the additional cost that will be imposed by the new landfill regulations, help protect the environment, provide and improve solid waste management system, better utilize or natural resources, and promote the education of the citizens of Tennessee in the areas of solid waste management including the need for and desirability of reduction and minimization of solid waste, local governments in Tennessee supported and worked for the passage of this Act; and

WHEREAS, one of the stated public policies of this Act is to institute and maintain a comprehensive, integrated, statewide program for solid waste management; and

WHEREAS, as per T.C.A. 68-211-881, the nine development districts in the State of Tennessee have completed a district needs assessment which are inventories of the solid waste systems in Tennessee; and

WHEREAS, Weakley County's Board of County Commissioners have given consideration to the needs assessments prepared by the Northwest Tennessee Development District; and

WHEREAS, T.C.A. 68-211-813, required that counties in the State of Tennessee initially form municipal solid waste regions no later than December 12, 1992; and

WHEREAS, The Act's stated preference was the formation of multi-county regions with counties having the option of forming single or multi-county municipal solid waste regions; and

WHEREAS, the state of Tennessee has provided grant monies of varying amounts to single, two-county, and three or more county municipal solid waste region to assist there regions in developing their municipal solid waste regions plans; and

WHEREAS, the primary and prevailing purpose of the municipal solid waste regions are the preparation of municipal solid waste regions plans which among other requirements must identify how each region would reduce its solid waste disposal per capita by twenty-five percent (25%) by December 31, 1995, and a planned capacity assurance of its disposal needs for a ten (10) year period; and

WHEREAS, the development of a municipal solid waste regional plan that results in the most cost effective and efficient management of municipal solid waste is in the best interest of the citizens of Weakley County; and

WHEREAS, formation of Lake, Obion and Weakley County Municipal Solid Waste Planning Region does not provide for the most cost effective and efficient management of municipal solid waste in the best interest of the citizens of Weakley County; and

WHEREAS, the policy of the state Department of Environment and Conservation allows for the dissolution of the multi-county regions, if all members counties can agree to the terms of dissolution; and

WHEREAS, Lake, Obion and Weakley Counties Solid Waste Region have agreed to pass similar resolutions;

NOW THEREFORE BE IT RESOLVED, that all ties and affiliation of Weakley County with the Lake, Obion and Weakley Counties Solid Waste Planning Region be dissolved; and

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Weakley County, Tennessee, acting pursuant to T.C.A. 68-211-801 et seq., that there is hereby established a Municipal Solid Waste Regions for and by Weakley County, Tennessee.

BE IT FURTHER RESOLVED, that pursuant to T.C.A. 68-211-801 et seq., that the Board of County Commissioners of Weakley County, Tennessee finds and determines that Weakley County shall be and shall constitute a single county municipal solid waste region due to the following: It is the will of the Citizens of Weakley County to remain a single entity in collection and disposal of Solid Waste, it is also the wish of the citizens to use the existing contracted services in Weakley County to the maximum good of the people of Weakley County.

BE IT FURTHER RESOLVED, that pursuant to T.C.A. 68-211-813 (b)(1), a Municipal Solid Waste Regional Board is hereby established to administer the activities of the Region.

BE IT FURTHER RESOLVED, that this Municipal Solid Waste Regional Board shall be composed of 7 members.

BE IT FURTHER RESOLVED, that pursuant to T.C.A. 68-211-813(b)(1), Weakley Municipal Solid Waste Regional Board members shall be appointed by the County Mayor and municipal mayors, respectively, due to the fact that the Cities and Towns of Dresden, Gleason, Greenfield, Martin, and Sharon collects or provides disposal services through its own initiative or by contract, the Cities and Towns of Dresden, Gleason, Greenfield, Martin, and Sharon are entitled to representation on the board and may agree to joint or multiple representation by a board member or for a county member to represent them. Two (2) Board representatives, appointed by the County Mayor and five (5) Board representatives, individually appointed by the Mayors of Dresden, Gleason, Greenfield, Martin, and Sharon, and approved by their respective legislative bodies shall be approved by the Weakley County Commission.

BE IT FURTHER RESOLVED, that the members of the Board of the Municipal Solid Waste Region shall serve a six year term except that, as pursuant to T.C.A. ' 68-211-813(b)(1) and as part of the participating county's agreement as evidenced by this Resolution, the following shall be the initial terms of office: one member representing Weakley County for a six (6) year term, one member representing the Town of Dresden for a six (6) year term, one member representing the Town of Gleason for a four (4) year term, one member representing the Town of Greenfield for a four (4) year term, one member representing the City of Martin for a two (2) year term, one member representing the Town of Sharon for a two (2) year term and one member representing Weakley County for a two (2) year term.

BE IT FURTHER RESOLVED, that the initial Board as constituted above shall consist of the following members; Mac Buckley, appointed by the County Mayor for a six (6) year term; James H. Westbrook, Jr., appointed by the Mayor of Dresden for a six (6) year term; Eric Owen, appointed by the Mayor of Gleason for a four (4) year term; Andy Page, appointed by the Mayor of Greenfield for a four (4) year term; Dick Phebus, appointed by the Mayor of Martin for a two (2) year term; Bob Gardner, appointed by the Mayor of Sharon for a two (2) year term; and Jack Vincent, appointed by the County Mayor for a two (2) year term.

BE IT FURTHER RESOLVED, that this Municipal Solid Waste Region Board shall have all powers and duties as granted by T.C.A. 68-211-813 et seq. And in addition, in the performance of its duty to produce a municipal solid waste region plan, it shall be empowered to utilize existing Weakley County governmental personnel, to employ or contract with persons, private consulting firms, and /or governmental, quasi-governmental, and public entities and agencies and to utilize Weakley County's services, facilities and records in completing this task.

BE IT FURTHER RESOLVED, that the Municipal Solid Waste Region Board's initial organization meeting it shall select from its members a chair, vice-chair and secretary and shall cause the establishment of a municipal solid waste advisory committee whose membership shall be chosen by the Board and whose duties are to assist and advise the Board.

BE IT FURTHER RESOLVED, that the Municipal Solid Waste Region Board, in furtherance of its duty to produce a municipal solid waste region plan, is authorized to apply for and receive funds from the State of Tennessee, the Federal Government, Weakley County, Cities and Towns of Dresden, Gleason, Greenfield, Martin, Sharon and donations and grants from private corporations and foundations.

BE IT FURTHER RESOLVED, that Weakley County shall receive, disburse and act as the fiscal agent for the administration of the funds of the Municipal Solid Waste Region and the Region's Board.

BE IT FURTHER RESOLVED, that upon the passage of this Resolution and at no later date than November 19, 2004, the County Clerk of Weakley County shall transmit a copy of this Resolution to the Tennessee Department of Environment and Conservation, Division of Community Assistance.

BE IT FURTHER RESOLVED, that all resolutions of the Board of County Commissioners of Weakley County, Tennessee, which are in conflict with this resolution are hereby repealed.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon the passage by a majority of the members of the Board of Commissioners of Weakley County, Tennessee.

Pursuant To The Rules Of The Commission, This Resolution Is Sponsored By The Following Members Of The Weakley County Board Of County Commissioners:

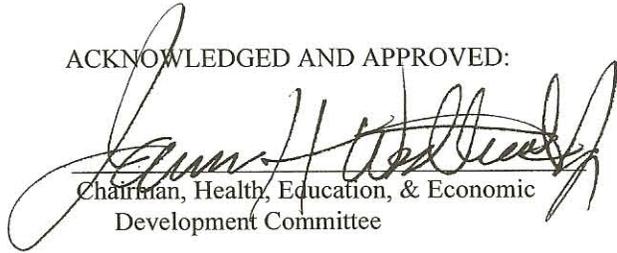
SPONSORED BY:



SPONSORED BY:



ACKNOWLEDGED AND APPROVED:


Chairman, Health, Education, & Economic
Development Committee

Motion made by Commissioner Jones that the foregoing resolution be adopted:

Motion seconded by Commissioner Page.

Upon being put to a roll call vote, Motion carried by a vote of 18 Yeas, 0 Nays,

0 Passed and 0 Absent.

ATTESTED:

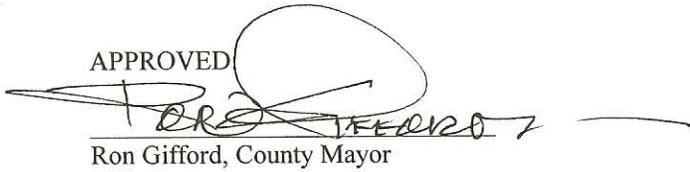

Pat Scarborough, County Clerk

APPROVED:


Richard Phebus, Chairman

THIS THE 15th DAY OF NOVEMBER, 2004.

APPROVED:


Ron Gifford, County Mayor

VETOED:

Ron Gifford, County Mayor

DATE:

11/15/04

DATE:
