

**BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA**

**RESOLUTION APPROVING AND AUTHORIZING CHAIR TO SIGN AMENDMENT
TO INTERLOCAL AGREEMENT REGARDING HOUSEHOLD HAZARDOUS WASTE
OPERATIONS**

WHEREAS, Sarpy County, Douglas County and the City of Omaha have previously entered into an agreement pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. §13-801 to 827 (Reissue 2012), for the operation of a Household Hazardous Waste facility, now known as "Under the Sink" (UTS) see Sarpy Resolution 2006-0177; and

WHEREAS, grant funding from the Nebraska Department of Environmental Quality (NDEQ) makes up a portion of the operating budget for the jointly utilized UTS facility; and

WHEREAS, a recent change by NDEQ in the way grant funds are distributed has created a cash flow shortage for the UTS facility estimated at \$95,295 for calendar year 2013; and

WHEREAS, the parties to the Interlocal Agreement propose to each provide one third (\$31,765) to alleviate the cash flow shortage and an Amendment to the Interlocal Agreement has been proposed and attached hereto; and

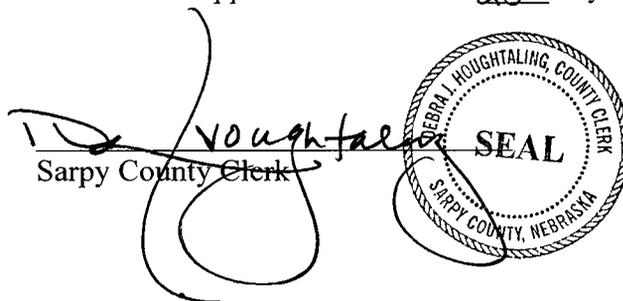
WHEREAS said agreement is in the best interests of the citizens of Sarpy County.

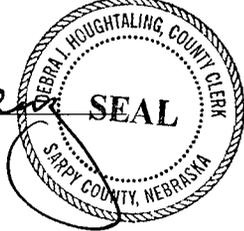
NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners that, this Board hereby approves and adopts the attached Amendment to the UTS Interlocal Agreement.

BE IT FURTHER RESOLVED, that the Chairman of this Board, together with the county Clerk, be and hereby are authorized to execute on behalf of this Board an Amendment to the UTS Interlocal Agreement, with the City of Omaha and Douglas County to provide one third share (\$31,765) of a cash flow shortage for calendar year 2013, a copy of which is attached hereto.

The above and foregoing Resolution was duly approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on this 23rd day of April, 2013.


Chairman, Sarpy County Board


Sarpy County Clerk



The seal is circular with a double-line border. The outer ring contains the text "NEBRASKA" at the top and "SARPY COUNTY, NEBRASKA" at the bottom. The inner ring contains the text "BERA I. HOUGHTALING, COUNTY CLERK". In the center of the seal, the word "SEAL" is printed in a bold, sans-serif font.

Amendment to Interlocal Cooperation Act Agreement Household Hazardous Waste Site Grant and Operation

WHEREAS, the City of Omaha ("Omaha"), County of Douglas ("Douglas"), and County of Sarpy ("Sarpy") entered into an Interlocal Cooperation Act Agreement, in July 2006, establishing terms under which Omaha would pursue grant funding and provide property, staffing and operation of a Household Hazardous Waste (HHS) facility for residents of Douglas and Sarpy, and

WHEREAS, the process and procedure under which the Nebraska Department of Environmental Quality (NDEQ) provides grant funding to Omaha has changed, and

WHEREAS, due to the process and procedure change the available grant funds from NDEQ will now be provided on a reimbursable basis, and

WHEREAS, this change will create a budget cash flow deficit of \$95,295 for the period beginning January 2013 through December 2013, and

WHEREAS, Omaha, Douglas and Sarpy propose to address this budget cash flow deficit by each providing funding equal to one third of the projected deficit over the period of December 2012 through March 2013, in payments as noted in Table 1.

Table 1. Funding Obligations for each entity.

	Omaha	Douglas	Sarpy	Totals
Due 1/31/2013	\$15,882.50	\$15,882.50	\$15,882.50	\$47,647.50
Due 4/30/2013	\$15,882.50	\$15,882.50	\$15,882.50	\$47,647.50
Totals	\$31,765	\$31,765	\$31,765	\$95,295.00

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, it is agreed that Omaha, Douglas and Sarpy shall provide additional funding in the amounts and by the dates designated in Table 1 herein.

All other provisions of the Interlocal Cooperation Act Agreement shall remain unchanged, but will be reviewed by committee and may be revised.

It is further understood that this is a one-time reconciliation of the HHS operating fund to account for the budget cash flow deficit. Further, the parties understand that due to the uncertainty of future grant funding and increasing costs of operation, the funding formula for the HHS facility may need to be evaluated and revised.

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Counterpart copies of this Agreement, as executed, shall be maintained as part of the records held by Omaha.

IN WITNESS WHEREOF, this Amendment is entered into by the parties pursuant to resolutions duly adopted by their respective governing boards.

Amendment to Interlocal Cooperation Act Agreement Household Hazardous Waste Site Grant and Operation

SIGNATURE PAGE

Executed by the County of Sarpy, Nebraska on this 23rd day of April, 2017.

ATTEST:



Debra J. Houghtaling
COUNTY CLERK

SARPY COUNTY, NEBRASKA

BY

Jim Wane
CHAIR

APPROVED AS TO FORM

Michelle Hunt
Deputy County Attorney

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, NEBRASKA

RESOLVED:

WHEREAS, Douglas County entered into an Interlocal Agreement with the City of Omaha and the County of Sarpy for the operation of a regional Household Hazardous Waste Facility, now known as "Under the Sink" (UTS); and,

WHEREAS, grant funding from the Nebraska Department of Environmental Quality (NDEQ) makes up a portion of the operating budget for the UTS facility; and,

WHEREAS, a recent change by the NDEQ in the way grant funds are distributed has created a cash flow shortage for the UTS facility estimated at \$95,295 for calendar year 2013; and,

WHEREAS, the parties to the UTS Interlocal Agreement propose to each provide one third (\$31,765) to alleviate the cash flow shortage and an Amendment to the UTS Interlocal Agreement has been proposed and is attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS, DOUGLAS COUNTY, NEBRASKA, THAT, the Amendment to the UTS Interlocal Agreement, a copy of which is attached hereto and incorporated by reference, is hereby approved and the Board Chair is authorized to sign on behalf of Douglas County.

Motion by Duda, second by Tusa to approve. I move the adoption of the resolution.

Adopted: December 11, 2012

Yeas: Borgeson, Duda, Morgan, Rodgers, Tusa, Kraft

Absent: Boyle

(CERTIFIED COPY)

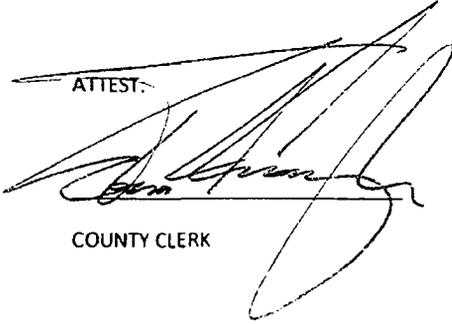
Douglas County Clerk

Amendment to Interlocal Cooperation Act Agreement
Household Hazardous Waste Site Grant and Operation

SIGNATURE PAGE

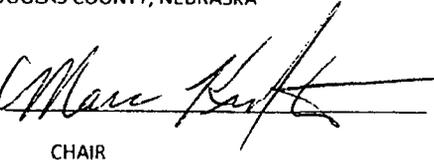
Executed by the County of Douglas, Nebraska on this 11th day of Dec, 2012.

ATTEST:



COUNTY CLERK

DOUGLAS COUNTY, NEBRASKA

BY 

CHAIR

APPROVED AS TO FORM



COUNTY OF DOUGLAS OFFICIAL RECORD

Amendment to Interlocal Cooperation Act Agreement Household Hazardous Waste Site Grant and Operation

SIGNATURE PAGE

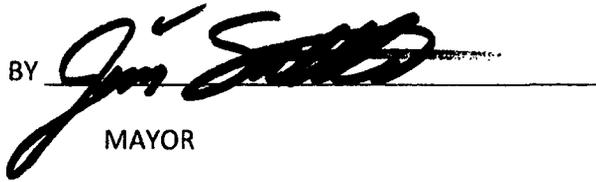
Executed by the City of Omaha, Nebraska on this 13th day of December, 2012.

ATTEST:

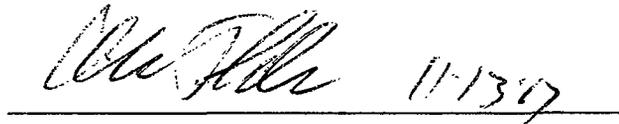
THE CITY OF OMAHA, NEBRASKA



CITY CLERK

BY 
MAYOR

APPROVED AS TO FORM





City of Omaha
Jim Suttle, Mayor

December 4, 2012

RECEIVED

12 NOV 21 PM 12:55

CITY CLERK
OMAHA, NEBRASKA

Public Works Department

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 601
Omaha, Nebraska 68183-0601
(402) 444-5220
Fax (402) 444-5248

Robert G. Stubbe, P.E.
Public Works Director

Honorable President

and Members of the City Council,

Transmitted herewith is a Resolution approving an Amendment to the Interlocal Agreement with Douglas County, and Sarpy County, Nebraska to provide for cost sharing to reconcile a budget cash flow deficit in the funding of Under the Sink, the local household hazardous waste facility serving residents of Omaha, Douglas County and Sarpy County.

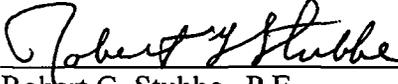
The Original Interlocal Agreement, entered into in July 2006, defined the terms and conditions to which the parties would participate in the joint project for which Omaha would pursue grant funding and provide the property, staffing and operation of Under the Sink. Since the execution of this agreement, the Nebraska Department of Environmental Quality (NDEQ), as the provider of the grant funding of this facility has changed its means of providing this funding. NDEQ now provides funding on a reimbursable basis, which has created an operating budget cash flow deficit of \$95,295 for the budget year running from January 1, 2013 to December 31, 2013.

The City, Douglas County, and Sarpy County have agreed to address the deficit by making a one-time even contribution of the funds now needed on an up-front basis for this facility to maintain operations, as detailed in the attached Amendment. The City's local share of \$31,765 will be paid from the Stormwater Fee Revenue Fund 12128, Stormwater Management Organization 116312.

The Public Works Department requests your consideration and approval of the attached Resolution and Amendment to the Interlocal Agreement.

Respectfully submitted,

Referred to City Council for Consideration:


Robert G. Stubbe, P.E. 11-13-12
Public Works Director Date


Mayor's Office 11-19-12
Date

Approved as to Funding:


Pam Spaccarotella 11-19-12
Finance Director Date

CITY OF OMAHA

LEGISLATIVE CHAMBER

Omaha, Nebraska

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, the City of Omaha, Douglas County, and Sarpy County, Nebraska have entered into an Interlocal Agreement for the funding, property, staffing and operation of Under the Sink, a household hazardous waste facility serving the residents of the aforementioned jurisdictions; and,

WHEREAS, subsequent to the enactment of the Original Agreement the Nebraska Department of Environmental Quality has changed the manner under which it provides the grant funding for this facility, creating a budget cash flow deficit of \$95,295 for the period of January 1 through December 31, 2013, which necessitates a one-time funding reconciliation; and,

WHEREAS, the City of Omaha, Douglas County, and Sarpy County, Nebraska each agree to evenly divide this deficit as detailed in attached Amendment to the Interlocal Agreement, which by this reference is made part hereof, with the City's share of \$31,765 to be paid from the Stormwater Fee Revenue Fund 12128, Stormwater Management Organization 116312.

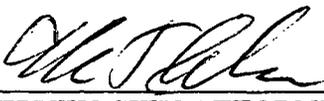
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

THAT, as recommended by the Mayor, the Amendment to the Interlocal Agreement between the City of Omaha, Douglas County, and Sarpy County, Nebraska for the reconciliation of the year 2013 budget cash flow deficit for the Under the Sink Household Hazardous Waste Facility in the amount of \$95,295, due to changes in the application of grant funding by the Nebraska Department of Environmental Quality, is hereby approved; and

THAT, the Finance Department is authorized to pay the City's local share of \$31,765 from the Stormwater Fee Revenue Fund 12128, Stormwater Management Organization 116312.

1619htp

APPROVED AS TO FORM:

 12/13/12
DEPUTY CITY ATTORNEY DATE

By 
Councilmember

Adopted..... DEC 11 2012 7-0


City Clerk

12/13/12

Approved... 
Mayor

NO. 1583

Resolution by

Res. that, as recommended by the Mayor, the Amendment to the Interlocal Agreement between the City of Omaha, Douglas County, and Sarpy County, Nebraska for the reconciliation of the year 2013 budget cash flow deficit for the Under the Sink Household Hazardous Waste Facility in the amount of \$95,295, due to changes in the application of grant funding by the Nebraska Department of Environmental Quality, is hereby approved; and that the Finance Department is authorized to pay the City's local share of \$31,765 from the Stormwater Fee Revenue Fund 12128, Stormwater Management Organization 116312.

1619Ahtp

41 ✓

Presented to City Council

DEC 1 1 2012

Adopted 7-0

Buster Brown

City Clerk

INTERLOCAL COOPERATION ACT AGREEMENT
HOUSEHOLD HAZARDOUS WASTE SITE GRANT AND OPERATION

THIS AGREEMENT is made and entered into by and among the City of Omaha, hereinafter referred to as **Omaha**, and Douglas County, hereinafter referred to as **Douglas**, and Sarpy County, hereinafter referred to as **Sarpy**. The term Region shall refer to the combined area of Douglas, and Sarpy

WHEREAS, Omaha, Douglas, and Sarpy entered an Interlocal Cooperation Act in August of 2001, which established terms under which Omaha would pursue grant funding and provide property, staffing and operation of a Household Hazardous Waste (HHW) facility for residents of Douglas and Sarpy, and

WHEREAS, Omaha, Douglas, and Sarpy have all provided funding and/or resources for the construction of a HHW collection facility, and

WHEREAS, a state of the art household hazardous waste collection facility has been built on Omaha's property located at 4001 So 120th Street and became fully operational in the spring of 2005 and

WHEREAS, Omaha, Douglas, and Sarpy agree that the need for the services provided by such a facility to help manage the HHW generated in the jurisdiction will continue into the future, and

WHEREAS, the parties to this agreement desire that Omaha continue to be the administrative agent for a HHW facility serving the Region

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, it is agreed as follows

- 1 **AUTHORITY** This Agreement is made pursuant to authority provided in the Nebraska Interlocal Cooperation Act (Neb Rev Stat §13-801, r r s , 1943, et seq), without a separate entity being created, each party hereto will maintain its own employees and budgets in carrying out the terms of this agreement, and, whenever possible, this Agreement shall be construed in conformity therewith

- 2 **TERM OF AGREEMENT** This agreement shall become effective on the date the last signature is applied, and shall remain in effect for ten (10) years or until it is terminated as provided herein

- 3 **SCOPE OF PROGRAM** Omaha shall continue on behalf of the Region, to submit applications to the Nebraska Department of Environmental Quality (NDEQ) or other grant agencies for funding the operation of the HHW collection facility Any funding requirements not covered by grants shall be recovered from a portion of the landfill tip fees at the Sarpy County Landfill and

the Douglas County Landfill. Such additional funding shall not be a cause for increased tip fees, and shall not exceed \$0.30 per ton of material delivered by all contributors to both landfills. All parties agree to negotiate in good faith for any future funding needs should the NET and/or NDEQ funds no longer be available.

4. **CONTRIBUTIONS** Douglas County shall provide initial funding at the rate of \$0.10 per ton of material delivered to the Pheasant Point landfill, such rate being based on an average annual tonnage amount of 600,000 tons. Sarpy County shall provide initial funding at the rate of \$0.30 per ton of material delivered to the Sarpy County Landfill, such rate being based on an average annual tonnage amount of 200,000 tons. Pursuant to the provisions of Section 3 of this agreement, should future funding needs necessitate an increase from the current per ton rates from Douglas and Sarpy Counties, such funding increase shall be reviewed and approved by all parties to this agreement.
 5. **SITE LOCATION** Omaha shall operate the Omaha-owned "Under The Sink" facility located near 120th and I Streets, at 4001 So. 120th Street, consisting of approximately 5.3 acres for use as a HHW collection and processing facility. Ownership of the property and subsequent improvements shall remain Omaha's unless otherwise provided for in amendments to this agreement.
 6. **STAFFING** Omaha shall provide the staffing, utilities, repairs and maintenance for the operation of the facility. Omaha shall be reimbursed for such costs attributable to the operation of the facility from the funds described in number 3 above.
 7. **TERMINATION** This Agreement may be terminated at anytime by any two of the parties and for any reason on three-hundred-and-sixty (360) days written notice to the other party. Any one of the parties may withdraw from the agreement for any reason on one-hundred-and-eighty (180) days written notice to the other parties.
 8. **COUNTERPARTS** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Counterpart copies of this Agreement, as executed, shall be maintained by Omaha.
 9. **Nondiscrimination Clause** In accordance with the Nebraska Fair Employment Practice Act, Neb. Rev. Stat. §48-1122, the Parties hereto agree that neither they nor any of their subcontractors or agents shall discriminate against any employee, or applicant for employment to be employed or others in the performance of this agreement, with respect to hire, tenure, terms, conditions, or privileges of employment or use and enjoyment of the facilities because of the race, color, religion, sex, disability, political affiliation or national origin of the employee or applicant or user.
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- 10 Drug Free Policy All parties agree that all Contractors will establish and maintain a drug free workplace policy

MISCELLANEOUS The parties to this agreement shall meet at least annually to discuss program matters of concern. The meetings shall be upon mutual agreement of the parties. The individuals listed below shall be named as representatives of their respective organizations and authorized to make administrative decisions consistent with the plans, recommendations and mission statement in the HHW studies already performed

Administrative agents are hereby appointed

For Omaha Marty Grate, Environmental Services Manager
City of Omaha Public Works Dept
1819 Farnam
Omaha, NE 68183

For Douglas County Kent Holm, Director, Douglas County Environmental Services
3015 Menke Circle,
Omaha, NE 68134

For Sarpy County Duwane Brigman, Sarpy County Environmental Mgr
1210 Golden Gate Dr
Papillion, NE 68046

IN WITNESS WHEREOF, this Agreement is entered into by the parties pursuant to resolutions duly adopted by their respective governing boards

CITY OF OMAHA

LEGISLATIVE CHAMBER

Omaha, Nebraska

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA

WHEREAS, the City of Omaha, Douglas County, and Sarpy County to assign Omaha to be the administrative agent for the operation of the Household Hazardous Waste (HHW) facility located on City property at 4001 South 120th Street, and,

WHEREAS, the Interlocal Cooperation Act (§13-801, r r s , 1943, et seq) of the State of Nebraska allows governmental unites to make the most efficient use of their powers by enabling them to cooperate on the basis of mutual advantage, to provide services and facilities in a manner and pursuant to economic, population, and other factors influencing their needs and development problems, and,

WHEREAS, the purpose of the Agreement is provide a framework for all three governmental entities to operate a Household Hazardous Waste collection facility, and,

WHEREAS, it will be easier and less expensive for all the political entities involved to work together than to try to provide HHW management individually

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA

THAT, that the City Council of the City of Omaha hereby approves the Interlocal Agreement with Douglas County and Sarpy County, which by this reference is made a part hereof, being the creation of a cooperative partnership whose purpose is to apply for grants to pay for the operation of a Household Hazardous Waste collection facility located on City property at 4001 South 120th Street

BE IT FURTHER RESOLVED

THAT, the City of Omaha agrees to take the lead in applying for grants and operating the facility as provided in the agreement

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APPROVED AS TO FORM

[Signature] 7-6-06
CITY ATTORNEY DATE

By *[Signature]*
Councilmember

Adopted JUL 11 2006 7-0
[Signature]
City Clerk

Approved *[Signature]* 7/14/06
Mayor

INTERLOCAL COOPERATION ACT AGREEMENT HOUSEHOLD HAZARDOUS
WASTE SITE GRANT AND OPEATION

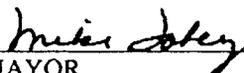
SIGNATURE PAGE

Executed by the City of Omaha, Nebraska on this 14th day of July,
2006

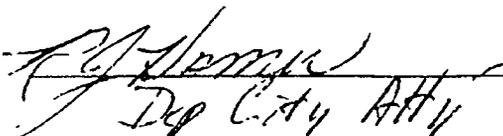
ATTEST


CITY CLERK

THE CITY OF OMAHA, NEBRASKA

BY 
MAYOR

APPROVED AS TO FORM


Dep City Atty

RW

5

NO 761

Resolution by

Res that the City Council of the City of Omaha hereby approves the Interlocal Agreement with Douglas County and Saury County, which by this reference is made a part hereof, being the creation of a cooperative partnership whose purpose is to apply for grants to pay for the operation of a Household Hazardous Waste collection facility located on City property at 4001 South 120th Street, further that the City of Omaha agrees to take the lead in applying for grants and operating the facility as provided in the agreement

P:\PW\114211\pjm.doc

Presented to City Council

JUL 11 2006

Adopted 7-0

Buster Brown

City Clerk

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, NEBRASKA

COPY

Resolved

WHEREAS, Omaha, Douglas, and Sarpy entered an Interlocal Cooperation Act in August of 2001, which established terms under which Omaha would pursue grant funding and provide property, staffing and operation of a Household Hazardous Waste (HHW) facility for residents of Douglas and Sarpy, and

WHEREAS, Omaha, Douglas, and Sarpy have all provided funding and/or resources for the construction of a HHW collection facility, and

WHEREAS, A state of the art household hazardous waste collection facility has been built on Omaha's property located at 4001 So 120th Street and became fully operational in the spring of 2005 and

WHEREAS, Omaha, Douglas, and Sarpy agree that the need for the services provided by such a facility to help manage the HHW generated in the jurisdiction will continue into the future, and

WHEREAS, Said current, Interlocal Cooperation Act Agreement is due to expire on August 26, 2006, and

WHEREAS, A continuation Interlocal Agreement has been drafted by the parties and is attached hereto

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COUNTY COMMISSIONERS THAT the continuation Interlocal Agreement, a copy of which is attached hereto, is hereby approved and the Chair of the County Board is authorized to execute on behalf of Douglas County

Motion by Borgeson, second by McCallister I move the adoption of the resolution.

ADOPTED June 6, 2006

YEAS Borgeson, Boyle, Maxwell, McCallister, Rodgers, Hutchings

ABSENT: Duda

(CERTIFIED COPY)

DOUGLAS COUNTY CLERK

Certified copies to Commissioners, Environmental Services,
Marty Grate (City of Omaha), Duwayne Brigman (Sarpy Co.),
Clerk

Resolution No. 328
ADOPTED June 6, 2006

INTERLOCAL COOPERATION ACT AGREEMENT
HOUSEHOLD HAZARDOUS WASTE SITE GRANT AND OPERATION

SIGNATURE PAGE

Executed by the County of Sarpy, Nebraska on this 6th day of

June, 2006

THE COUNTY OF SARPY, NEBRASKA

Attest



BY

[Handwritten Signature]

CHAIRPERSON, COUNTY BOARD

[Handwritten Signature]
COUNTY CLERK

APPROVED AS TO FORM

[Handwritten Signature]