

## **PUBLIC NOTICE**

### **REQUEST FOR BIDS FOR PROVISION OF CAPACITY FOR DISPOSAL OF MUNICIPAL SOLID WASTES GENERATED BY COUNTY FOR A TEN (10) YEAR PERIOD**

Notice is hereby given that sealed bids for certain solid waste services will be received at the office of the Fiscal Court of Trimble County, from the date of publication of this notice until thirty (30) calendar days thereafter. The Trimble County Fiscal Court is accepting bids by any qualified person for the provision of capacity for disposal of municipal solid wastes generated within Trimble County, for a period of ten (10) years commencing on January 1, 2026.

Pursuant to KRS 224.43.345, Trimble County Fiscal Court, as the governing body for the Trimble County Solid Waste Management Area, is obligated to update every five (5) years, a solid waste management plan which includes an estimate of the area's long-range needs for solid waste management and facilities for five (5), ten (10) and twenty (20) years into the future.

Trimble County is further required to provide, as part of the solid waste management plan, "specific provisions to assure that adequate capacity for a ten (10) year period shall be available for municipal solid waste generated in the solid waste management area.]" That same statutory provision obligating the County to demonstrate in the solid waste plan that it has assurances of provision for capacity for disposal of municipal solid waste generated by county residents, authorizes the county to include within the solid waste plan, in addition to that demonstration of capacity, an authorization for any capacity for disposal within the county of municipal solid waste generated within or outside of the county.

Trimble County Fiscal Court currently hosts a municipal solid waste landfill, and has determined that the interests of its citizens is best served by seeking public comment on whether or not the current solid waste management plan should be amended to ratify the disposal capacity for waste in the county previously included in the solid waste plan in 2000, less the amount landfilled since then, or to provide ten years of disposal capacity based on historical waste disposal values.

Trimble County Fiscal Court believes that, in the event that the determination is made after the public comment period, to retain authorized capacity in the solid waste plan for future municipal solid waste disposal within the county, the best interests of the public and environment of the county, and the mutual interests of the county and any private or public entity constructing, operating, or expanding, a landfill in Trimble County, are best served by adoption of a "Host Agreement" through which the mutual obligations of the host county and facility are outlined, including such matters as limitations on operation, assessment of fees, controls on rates or types of waste acceptance, financial assurance and post-closure care. Towards that end, Trimble County Fiscal Court has developed a Model Host Agreement that will form the basis of discussions on the option of ratifying the previously approved capacity or authorizing ten years of disposal capacity for future municipal solid waste disposal in the Trimble County Area Waste Solid Waste Management Plan. Any applicant submitting a bid proposing to construct, expand,

or operate a municipal solid waste disposal facility within Trimble County should address the extent to which the applicant will accept provisions that are the same or like those in the Model Host Agreement or propose comparable provisions to assure protection of the health, safety, and environment of county residents.

Consistent with the ruling of the state Supreme Court in *BFI Waste Sys. of N. Am., Inc. v. Huntington Woods Neighborhood Ass'n.*, Ky. App. 134 S.W.3d 624 (2004), the entry by a local government into a Host Agreement, and any agreement to amend a solid waste management plan include any capacity in an Area Solid Waste Management Plan for waste generated in- and/or out- of the solid waste management area, is considered to be a franchise or privilege requiring competitive bidding and public notice. Thus, consistent with Section 164 of the Kentucky Constitution, Trimble County herewith provides this public notice that it will receive sealed bids for the provision of written assurances of capacity, located within or outside of Trimble County, for disposal of municipal solid waste generated in Trimble County for a ten (10) year period, until close of business on thirty (30) days after publication of this notice, at the Office of the Trimble County Judge-Executive, 123 Church Street, Bedford, Kentucky 40006.

After consideration of the bids received, the Trimble County Fiscal Court shall award the same to the highest and best bidder; however, the County shall have the right to reject any or all bids or to conditionally accept a bid subject to further negotiation of the specific terms of a Host Agreement.

Copies of the 2023-2027 Trimble County Solid Waste Management Plan, indicating the five (5), ten (10), and twenty (20) year projected municipal solid waste generation rates and volume for Trimble County, and copies of the Model Host Agreement, are available at the Office of the Trimble County Judge-Executive, 123 Church Street, Bedford, Kentucky 40006.