

COPY

FIRST AMENDMENT TO
AGREEMENT BETWEEN THE CITIES OF SONOMA COUNTY AND SONOMA COUNTY
FOR A JOINT POWERS AGENCY TO DEAL WITH WASTE MANAGEMENT ISSUES

This First Amendment (the "Amendment"), dated as of January 24, 1996 is by and between the Cities of the County of Sonoma and the County of Sonoma. All capitalized terms used herein shall, unless otherwise defined, have the meaning ascribed to those terms in the existing agreement.

RECITALS

WHEREAS, the Cities of the County of Sonoma and the County of Sonoma entered into that certain Agreement Between the Cities of Sonoma County and Sonoma County for a Joint Powers Agency to Deal with Waste Management Issues ("Agreement"); and

WHEREAS, Section 40970 and following of the California Public Resources Code allows for jurisdictions to create regional agencies for the purpose of implementing, monitoring and reporting programs to meet the goals established by the Integrated Waste Management Act of 1989; and

WHEREAS, the Participants will realize savings in staff time and resources to meet the monitoring and reporting requirements of the Integrated Waste Management Act of 1989 if the Agreement is amended to form such a regional agency.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. Section 1 of the Agreement (Definitions) is hereby revised to add the following new definitions:

"Act. The term "Act" means the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000 et seq.) and all regulations adopted under that legislation and any amendments to that legislation and regulations."

"Regional Agency. The term "Regional Agency" means the designation of the Sonoma County Waste Management Agency as a "Regional Agency" by the California Integrated Waste Management Board in compliance with Section 40975 of the Public Resources Code."

2. The following new section shall be added to the end of the Agreement as follows:

"Section 27. Regional Agency

Formation of Regional Agency. The Participants hereby desire to use the structure of the Agency as a Regional Agency for purposes of Section 40971 of the Act. As a result, all Participants are hereby deemed to be member agencies of the Regional Agency.

Civil Penalties. The Agency shall research the cause for which civil penalties are being levied. Research may include, but is not limited to, any of the following: review of landfill disposal origin data, review of hauler origin data, performance of a solid waste disposal study, performance of a solid waste characterization study and/or performance of a solid waste diversion study. Agency shall coordinate with responsible Participant(s) of the Regional Agency and the California Integrated Waste Management Board to identify corrective steps that might be taken prior to assessment of penalties, if any. The Agency shall assign responsibility for payment of any civil penalties as follows:

- (a) that the Agency shall pay the entire of the penalty; or
- (b) that an individual Participant is responsible for the assessment of the civil penalty and that the entire penalty shall be therefore imposed upon that Participant for payment of the penalty; or
- (c) that multiple Participants, but not all Participants, are responsible for the assessment of the penalty and that the penalty shall be therefore allocated equally and imposed upon those responsible Participants.

Contingency Plan. Should the Regional Agency be dissolved for any reason, each Participant shall be responsible for complying with the requirements of the Act within their respective jurisdictional boundaries in accordance with the programs set out in the Regional Agency documents, such as Integrated Waste Management Plan Summary, Siting Element, and Annual Reports for the Source Reduction and Recycling Element and Household Hazardous Waste Element, as they apply to individual jurisdictions.

Participant's Duties and Responsibilities. Each Participant is responsible for implementing the programs set forth in Regional Agency documents as they apply to individual jurisdictions, and each Participant is responsible for meeting the diversion requirements of the Act within its jurisdictional boundaries.

Planning and Monitoring Documents. The Source Reduction and Recycling Elements, Household Hazardous Waste Elements, the Non-Disposal Facility Elements, and the Countywide Integrated Waste Management Plan Summary and Siting Element shall serve as the planning and monitoring documents for the Regional Agency until such time as they are replaced by regional planning documents. The County's document shall serve as the document for the City of Windsor. Henceforth, all necessary documentation shall be created by the Regional Agency."

3. Except to the extent the Agreement is specifically amended or supplemented hereby, the Agreement, together with exhibits is, and shall continue to be, in full force and effect as originally executed, and nothing contained herein shall be construed to modify, invalidate or otherwise affect any provision of the Agreement or any right of Agency arising thereunder.

4. This Amendment shall be governed by and construed under the internal laws of the State of California, and any action to enforce the terms of this Amendment or for the breach thereof shall be brought and tried in the County of Sonoma.

IN WITNESS WHEREOF, the Participants have caused this Agreement to be executed by their respective governing officials duly authorized by resolution of their respective legislative bodies.

ATTESTED:

Michele Winterboth

CITY OF CLOVERDALE

by _____

ATTESTED:

CITY OF COTATI

by _____

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CITY OF HEALDSBURG

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CITY OF PETALUMA

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CITY OF ROHNERT PARK

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CITY OF SANTA ROSA

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CITY OF SEBASTOPOL

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CITY OF SONOMA

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ATTESTED:

CITY OF WINDSOR

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ATTESTED:

COUNTY OF SONOMA

by _____

APPROVED AS TO FORM:

[Signature]

Agency Counsel

APPROVED AS TO SUBSTANCE:

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Agency Director

ATTESTED:

CITY OF CLOVERDALE

by _____

ATTESTED:

CITY OF COTATI

Bonnie Long

by *John A. Dell'Osso*

ATTESTED:

CITY OF HEALDSBURG

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CITY OF COTATI

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ATTESTED:

CITY OF HEALDSBURG

Mario Cuevas

by *[Signature]*

Mayor

ATTESTED:

CITY OF PETALUMA

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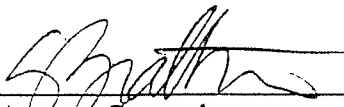
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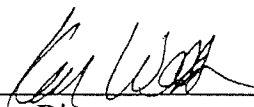
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CITY OF ROHNERT PARK

Lorraine Roberts
Deputy City Clerk

by *David E. ...*

MAYOR
CITY OF SANTA ROSA

ATTESTED:

by _____

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CITY OF SEBASTOPOL

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Gayle Petersen, City Clerk

by [Signature]
MAYOR

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CITY OF SEBASTOPOL

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CITY ATTORNEY - SANTA ROSA

BY TLL
Assistant City Attorney

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Shelie Fiori

by *Paul Sal...*

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Sharon Besto

by *Richard C. Jorf*

ATTESTED:

CITY OF WINDSOR

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ATTESTED: ~~CITY OF WINDSOR~~
by *Bert Williams*

ATTESTED: COUNTY OF SONOMA
by _____

APPROVED AS TO FORM:
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Agency Counsel

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Agency Director

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ATTESTED:

COUNTY OF SONOMA

Eve T. Levesi

by Tony J. [Signature]

APPROVED AS TO FORM:

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Agency Counsel

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Agency Director