

EXHIBIT "A"

**2023 COUNTY JOINDER AMENDMENT TO THE SECOND AMENDED AND
RESTATED JOINT POWERS AGREEMENT OF THE INTEGRATED WASTE
MANAGEMENT AUTHORITY**

**2023 COUNTY JOINDER AMENDMENT
TO SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT
OF THE INTEGRATED WASTE MANAGEMENT AUTHORITY**

This County Joinder Amendment (“County Joinder”), dated 11-14, 2023, to the SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT (“2022 JPA Agreement”) is by and between the incorporated cities of Arroyo Grande, Atascadero, El Paso de Robles, Grover Beach, Morro Bay, Pismo Beach, and San Luis Obispo, all being municipal corporations of the State of California and located within the boundaries of the County of San Luis Obispo California, (collectively, the “Cities”) and the County of San Luis Obispo, by its joinder herein.

A. On or about May 10, 1994, an agreement was executed by and between the Cities and the County of San Luis Obispo forming a joint powers authority pursuant to the provisions of the Joint Exercise of Powers Act (the “Original JPA Agreement”), through which such member agencies created and established a public entity identified as the San Luis Obispo County Integrated Waste Management Authority (“IWMA”).

B. On or around 2001, the Cities, County, and certain special districts within the County (“Authorized Districts”) executed a Memorandum of Agreement (“MOA”) amending the Original JPA Agreement to include the Authorized Districts for representation on the IWMA Board.

C. On or about November 15, 2021, the County withdrew from the IWMA, after which the remaining Cities and Authorized Districts elected to reestablish and continue the IWMA, on the terms set forth in the Second Amended and Restated Joint Powers Agreement of the Integrated Waste Management Authority, which was adopted by the participating agencies in 2022 (“2022 JPA Agreement”).

D. On or about October 31, 2023, the County officially elected to rejoin the IWMA, including on the terms set forth the 2022 JPA Agreement, as amended hereby.

Based on the foregoing, the Cities, Authorized Districts, including the County through its joinder, hereby agree to the following amendments to the 2022 JPA Agreement reflecting the County’s joinder.

1. Title Amendment and List of Participating Agencies Attachment. The Title of the 2022 JPA shall be amended to read “Second Amended and Restated Joint Powers Agreement to Establish an Integrated Waste Management Authority.” The List of Participating Agencies attached to the 2022 JPA Agreement is replaced with the list attached to this Joinder Amendment.

2. Definitions. Section 1, entitled, “Definitions” shall be amended to include the following new definitions or amended definitions.

A. County shall be added as a definition. “County” means any unincorporated areas of the County of San Luis Obispo.

B. The following referenced definitions replace those of the same number in the 2022 JPA Agreement in their entirety.

“1.17 “Members” means the Cities and the County who are members of this regional agency, formed pursuant to Public Resources Code section 40970 et seq, and the one (1) Authorized District Representative pursuant to Public Resources Code section 40977.”

“1.18 “Participating Agency” or “Participating Agencies” means and shall include the Cities, the County and the Authorized Districts who are signatories to this Agreement, including by way of joinder, delegating powers to the Authority pursuant to this Agreement, and participating in the governance of the IWMA.”

C. Notwithstanding the foregoing, the definition of “MRF”, was inadvertently included within the definition of “Members”, in the 2022 JPA Agreement, and such definition shall remain the definition of “MRF” and is not deleted.

3. Section 8, entitled “Boundaries” is amended and restated in its entirety to read:

“Section 8. Boundaries. The boundaries of the Authority shall be the boundaries of the collective Participating Agencies. If a Participating Agency withdraws from the Authority, the boundaries shall be modified to exclude the area of the withdrawing agency. If a qualified agency joins the Authority, the boundaries shall be modified to include the area of the joining Participating Agency. Section 8 shall not prevent the Authority’s use and/or operation of facilities outside of its boundaries within the County of San Luis Obispo.”

4. Section 9, entitled “Organization” shall be amended to include a new paragraph 9.2(g) to read as follows:

“(g) County. The County shall be entitled to appoint one representative to the Authority which representative shall consist of one (1) member from Board of Supervisors. The County may elect to have an alternate member from the Board of Supervisors in addition to any official member but said appointed alternate shall be able to vote only in the absence of the official representative.”

5. County Joinder. The County hereby joins the IWMA pursuant to the terms and conditions in the 2022 JPA Agreement as amended hereby, and the undersigned hereby consent.

6. Omnibus Change. Wherever references to “Cities” is used or “Cities and Authorized Districts”, are used in the 2022 JPA Agreement, including in its recitals, such references shall expressly be read to include the County unless context expressly dictates otherwise.

7. Ratification. The 2022 JPA Agreement is hereby ratified and confirmed and shall continue in full force and effect in accordance with its terms and provisions, as amended hereby.

8. Effective Date. This Joinder Amendment shall take effect when adopted by each of the Cities, the County, with the Authorized Districts consenting to the joinder of the County, as evidenced by their execution pursuant to resolutions of such governing bodies authorizing such execution and shall remain in full force and effect until dissolved pursuant to the provisions herein. This Joinder Amendment may be executed in counterparts which together shall constitute a single agreement. Electronically executed signatures may be accepted in lieu of originals if a Member agency has authorized electronic signatures through policy or otherwise.

[Participating Agency Signature Pages Follow]

AVILA BEACH COMMUNITY SERVICES DISTRICT

By: _____
Chairperson

Date _____

By: _____
Clerk

Resolution No. _____

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Attorney

LISR OF PARTICIPATING AGENCIES

CITIES	AUTHORIZED DISTRICTS
Arroyo Grande	Avila Beach CSD
Atascadero	California Valley CSD
El Paso de Robles	Cambria CSD
Grover Beach	Cayucos Sanitary District
Morro Bay	Ground Squirrel Hollow CSD
Pismo Beach	Heritage Ranch CSD
San Luis Obispo	Los Osos CSD
	Nipomo CSD
COUNTY	Oceano CSD
The County of San Luis Obispo	San Miguel CSD
	San Simeon CSD
	Templeton CSD

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, October 31, 2023

PRESENT: Supervisors Bruce S. Gibson, Dawn Ortiz-Legg, Jimmy Paulding, Debbie Arnold
and Chairperson John Peschong

ABSENT: None

RESOLUTION NO. 2023-276

RESOLUTION ADOPTING THE SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT TO ESTABLISH AN INTEGRATED WASTE MANAGEMENT AUTHORITY

The following Resolution is hereby offered and read:

WHEREAS, an agreement was executed by and between the incorporated cities of San Luis Obispo County ("Cities") and the County of San Luis Obispo ("County") forming a joint powers authority pursuant to the provisions of the Joint Exercise of Powers Act (the "Original JPA Agreement"), for the purpose of facilitating the development of waste diversion programs and projects;

WHEREAS, pursuant to the terms of the Original JPA Agreement, the Cities and the County created and established a public entity identified as the San Luis Obispo County Integrated Waste Management Authority ("IWMA");

WHEREAS, in or around 2001, the Cities, County, and certain special districts within the County ("Authorized Districts") executed a Memorandum of Agreement ("MOA") amending the Original JPA Agreement to provide the Authorized Districts with representation on the Board of Directors of the IWMA;

WHEREAS, on or about November 15, 2021, the County withdrew from the IWMA, after which the Cities and Authorized Districts elected to amend the Original JPA Agreement to reflect the withdrawal on the terms set forth in the Second Amended and Restated Joint Powers Agreement of the Integrated Waste Management Authority, which was adopted by the participating agencies in 2022 ("2022 JPA Agreement"). The 2022 JPA Agreement is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the County desires to rejoin the IWMA pursuant to the terms set forth in the 2022 JPA Agreement, as amended by the 2023 County Joinder Amendment to the Second Amended and Restated Joint Powers Agreement of the Integrated Waste Management Authority ("County Joinder Amendment"). The County Joinder Amendment is attached hereto as Exhibit B and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of San Luis Obispo, State of California, finds, declares and determines as follows:

1. The foregoing recitals are true, correct, and incorporated herein.
2. The County hereby acknowledges, accepts, and agrees to be bound by the terms of the 2022 JPA Agreement, as amended by the County Joinder Amendment.
3. This Resolution shall take effect immediately upon adoption.
4. The Chairperson of the Board of Supervisors or designee is authorized and directed to deliver this adopted Resolution to the IWMA and to execute the County Joinder Amendment.

Upon motion of Supervisor Gibson, seconded by Supervisor Paulding, and on the following roll call vote, to wit:

AYES: Supervisors Gibson, Paulding and Ortiz-Legg

NOES: Supervisor Arnold

ABSENT: None

ABSTAINING: Chairperson Supervisor Peschong

the foregoing Resolution is hereby adopted on the 31 day of October, 2023.



Chairperson of the Board of Supervisors

ATTEST:

JOHN NILON

Ex-Officio Clerk of the Board of
Supervisors

By: Sammy C. C. C.
Deputy Clerk

AVILA BEACH COMMUNITY SERVICES DISTRICT

By: Peter D. Kelly Date 11/14/2023
Chairperson

By: Maria Argente Resolution No. 2023-09
Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

By: [Signature]
Attorney

[Signature Page – Avila Beach Community Services District]
[Joinder Amendment to Second Amended and Restated JPA]