

RESOLUTION NO. 2023-09

**A RESOLUTION OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
REGARDING ADOPTING 2023 SAN LUIS OBISPO COUNTY JOINDER
AMENDMENT TO THE SECOND AMENDED AND RESTATED JOINT POWERS
AGREEMENT OF THE INTEGRATED WASTE MANAGEMENT AUTHORITY**

Recitals

WHEREAS, on May 10, 1994, an agreement was executed by and between the incorporated cities of San Luis Obispo County ("Cities") and the County of San Luis Obispo, forming a joint powers authority pursuant to the provisions of the Joint Exercise of Powers Act (Government Code sections 6500 et seq.), for the purpose of facilitating the development of waste diversion programs and projects that provide economies of scale without interfering with individual agencies' exercise of power within their own jurisdiction (hereinafter referred to as the "JPA Agreement"); and

WHEREAS, pursuant to the JPA Agreement, the power to perform the responsibilities of the joint powers authority was vested in the San Luis Obispo County Integrated Waste Management Authority Board of Directors ("IWMA Board"); and

WHEREAS, in or around 2001, a Memorandum of Agreement ("MOA") was executed by and between the Cities, the County of San Luis Obispo, and certain special districts within San Luis Obispo County that possessed solid waste authority ("Authorized Districts"), amending the JPA Agreement to include the Authorized Districts for representation on the IWMA Board, which MOA was replaced on execution of the Second Amended and Restated JPA Agreement; and

WHEREAS, the Board of Directors of the IMMA directed IWMA staff that on the County of San Luis Obispo's approval to rejoin the IWMA, to circulate the 2023 County Joinder Amendment to the Second Amended and Restated JPA ("Joinder Amendment") to the Participating Agencies for approval (a true and correct copy of the 2023 County Joinder Amendment to JPA is attached hereto as Exhibit A), including among the Authorized Districts with representation on the Board through their designated representative; and

WHEREAS, the JPA Agreement, as last amended, authorized amendments to the JPA Agreement on vote of a majority of the Members, and this resolution is intended to express the approval of Members and acknowledged agreement of all other Participating Agencies.

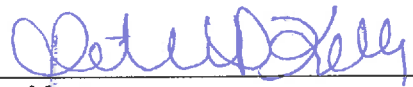
WHEREAS, the County wishes to join the Cities and the Authorized Districts (together "Participating Agencies") in confirming and conferring upon the IWMA as separate legal entity the powers necessary to enable them to achieve their waste diversion goals and to comply with the Integrated Waste Management Act, Assembly Bill 341, Assembly Bill 1826, Senate Bill 1383, and all current and future state-mandated laws, rules and regulations to the extent allowed by law and as provided in the JPA Agreement.

WHEREAS, The Board of Directors of the Avila Beach Community Services District desires to acknowledge, accept, and agree to be bound by the terms and conditions of the Joinder Amendment to the Second Amended and Restated JPA.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the Avila Beach Community Services District, that the Avila Beach Community Services District acknowledges, accepts, and agrees to be bound by the terms and conditions of the Joinder Amendment to the Second Amended and Restated JPA.

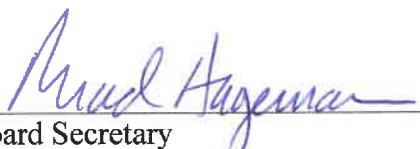
ADOPTED by the Board of Directors of the Avila Beach Community Services District on November 14th, 2023, by the following roll call votes:

AYES: 5
NOES: 0
ABSENT: 0



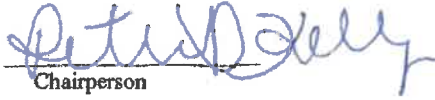
President
Avila Beach Community Services District

ATTEST:



Board Secretary
Avila Beach Community Services District

AVILA BEACH COMMUNITY SERVICES DISTRICT

By:  Date 11/14/2023
Chairperson

By:  Resolution No. 2023-09
Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Attorney

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