

**AMENDMENT NO. 5 TO JOINT POWERS AGREEMENT
ESTABLISHING THE KINGS WASTE AND RECYCLING AUTHORITY**

This Amendment is made and entered into this ____ day of _____, 2011 by and between the County of Kings and the Cities of Corcoran, Hanford and Lemoore.

WITNESSETH

WHEREAS, the Kings Waste & Recycling Authority is an agency established by a Joint Powers Agreement entered September 12, 1989 among the County of Kings and Cities of Corcoran, Hanford and Lemoore pursuant to Title 1, Division 7, Chapter 5 of the Government Code of the State of California; and

WHEREAS, Article 17 of the Joint Powers Agreement provides that the Agreement may be amended by the affirmative vote of the governing bodies of not less than three-fourths of all member agencies; and

WHEREAS, Article 6 of the Agreement provides for the transfer of the solid waste disposal sites of members agencies to the Authority; and

WHEREAS, each of the transfers anticipated by Article 6 has occurred with exception of the Lemoore City site; and

WHEREAS, the City of Lemoore desires to retain ownership of the site and has agreed to retain related responsibility and liability in exchange for the amendment allowing said retention; and

WHEREAS, the power delegated to the Joint Powers Authority shall be exercised in the manner provided for and in accordance with the procedures and limitations set forth by the Joint Powers Agreement and the related rules for the transaction of business of the Authority which are deemed appropriate and necessary.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. In exchange for the City of Lemoore retaining responsibility and liability with respect to the Lemoore City Site referenced in Article 6b3 of the Joint Powers Agreement, Lemoore shall retain title to said property; and

2. Each of the member agencies have expressed their support of the proposed amendment; and

3. Article 6 of the Joint Powers Agreement among the County of Kings and Cities of Corcoran and Lemoore is hereby amended as follows with amending language in bold:

“ARTICLE 6. Transfer of Solid Waste Disposal Sites

b. Cities and Kings County currently own and have operated either independently or in conjunction with each other the following closed Solid Waste Disposal Sites:

1. Kings County-Hanford City Landfill (11th Avenue and Houston)
2. Kettleman City Landfill
3. Lemoore City site
4. Kings County-Stratford site
5. Kings County-Volpa site
6. Plymouth Avenue-Corcoran Landfill
7. Hanford Disposal site

The County and Cities agree to transfer the fee ownership of these disposal sites and other unlisted solid waste disposal sites owned by the County and Cities to the Authority **with the exception of the Lemoore City site as identified in 6b3. The City of Lemoore and the Authority agree not to transfer fee ownership of this site to the Authority.**

In addition, the Authority shall have no responsibility or liability for any closure, post-closure or corrective action maintenance at this site. All relevant regulatory agencies including, but not limited to the California Integrated Waste Management Board (CalRecycle), the Regional Water Quality Control Board (RWQCB) and the Kings County Environmental Health Department shall be notified in writing by the city of Lemoore that the city will be the responsible jurisdiction of record at this site.“

IN WITNESS WHEREOF, each Agency has executed approval of this AMENDMENT TO JOINT POWERS AGREEMENT and filed said approval and filed said approval with the Clerk of the Board of Supervisors of the County of Kings, and said signatures are listed below or attached hereto.

Dated: COUNTY OF KINGS
By _____
Chairman

Dated: CITY OF CORCORAN
By _____
Mayor

Dated: CITY OF HANFORD
By _____

Mayor

Dated:

CITY OF LEMOORE

By _____

Mayor