

County of Orange, OC Waste & Recycling
City of Brea

**AMENDMENT NUMBER ONE TO
COOPERATIVE AGREEMENT BETWEEN
THE CITY OF BREA
AND
THE COUNTY OF ORANGE
REGARDING THE OLINDA ALPHA LANDFILL**

This "**Amendment**" to the Cooperative Agreement between the City of Brea and the County of Orange Regarding the Olinda Alpha Landfill dated July 14th, 2009 ("**Agreement**") is entered into upon execution of all necessary signatures between the County of Orange, a political subdivision of the State of California, through its OC Waste & Recycling department ("**County**") and the City of Brea, a General Law city of the State of California ("**City**"). County and City may sometimes be referred to as "**Parties**."

RECITALS

WHEREAS, County and City entered into the Agreement on July 14, 2009 for the purpose of establishing duties and procedures regarding the continued operation and importation of solid waste at the Olinda Alpha Landfill ("**Olinda Landfill**") and other matters of mutual concern; and

WHEREAS, County and City entered into a Memorandum of Understanding Between the City of Brea and the County of Orange Regarding the Olinda Landfill dated May 16th, 1995 ("**MOU**"), which addresses duties and procedures in common with the Agreement; and

WHEREAS, for the sake of clarity of intent, County and City intend that in any instance where the terms of this Amendment conflict with the Agreement and/or the MOU, the terms of this Agreement shall control; provided, however, that in all other instances the Agreement and MOU shall remain binding upon the Parties; and

WHEREAS, County and City have negotiated to provide City with additional compensation as consideration for the impacts on the City due to County's continued importation of solid waste from outside of Orange County;

NOW, THEREFORE, in consideration of the premises hereto and the mutual covenants and agreements set forth herein, the Parties agree as follows:

1. The following language shall be added to the end of Section G:

4. FY 2017 – Importation Host Fee

- a. Through June 30, 2016: Per Ton Importation Fee - Through June 30, 2016, the County will pay to City an importation fee of \$1.16 per ton for each ton of Out-of-County Waste deposited in the Landfill.
- b. Beginning July 1, 2016: Per-Ton Importation Fee – The per-ton host fee for importation will follow the per-ton host fee for in-County waste. Beginning July 1, 2016, the County will increase the per-ton host fee for importation from the current \$1.16 per ton to \$1.50 per ton for waste imported from outside the County and accepted at Olinda Alpha Landfill, excluding exempt waste and soil received at Olinda Alpha Landfill. The per-ton importation fee will be paid to the City on a quarterly basis beginning with the July 1-September 30, 2016 quarter, and payable forty-five days after the end of each quarter. Payment will be based on actual tonnage levels.

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5. FY 2017 - Environmental Education Funding

Effective July 1, 2016, coterminous with the City's WDA, the County will fund environmental education programs to be developed cooperatively between City and County staff up to a cost of \$25,000 per fiscal year.

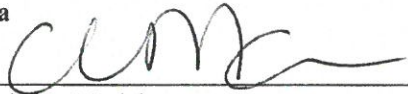
2. This Amendment shall not become effective except upon the execution by County of the Amendment to the Waste Disposal Agreement between the County of Orange, California and the City of Brea dated June 16, 2009, which extends that agreement until June 30, 2025.
3. Except as explicitly amended herein, all remaining terms and conditions of the Agreement and the MOU shall remain in full force and effect.

[SIGNATURE PAGE FOLLOWS.]

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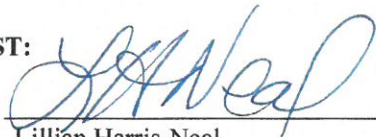
IN WITNESS WHEREOF, the Parties acknowledge that they have read this Amendment and agree to be bound by its terms. Each party has full power and authority to enter into this Amendment, and the person signing this Amendment on behalf of each is properly authorized and empowered to do so.

City of Brea

By: 
Christine Marick
Mayor

Date: 4/20/16

ATTEST:

By: 
Lillian Harris-Neal
City Clerk

Date: 4/20/16

County of Orange

By: _____
Dylan Wright
Director, OC Waste & Recycling

Date: _____

APPROVED AS TO FORM:
County Counsel

By: _____
James Steinmann, Deputy