

RESOLUTION NO. 22-454

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON
COMMUNITY SERVICES DISTRICT ADOPTING THE SECOND AMENDED AND
RESTATED JOINT POWERS AGREEMENT TO ESTABLISH AN INTEGRATED
WASTE MANAGEMENT AUTHORITY FOR THE CITIES OF SAN LUIS OBISPO
COUNTY, CALIFORNIA**

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 (also known as the First Amendment to the JPA Agreement); and

WHEREAS, in or around April 13, 2022, the IWMA Board considered and approved amendments to the JPA Agreement (“Second Amended and Restated JPA”), including those reflecting the withdrawal of San Luis Obispo County from the IWMA, and directed IWMA staff to circulate it to Participating Agencies for approval (a true and correct copy of the Second Amended and Restated JPA is attached hereto as Exhibit A); and

WHEREAS, the Second Amended and Restated JPA shall amend the JPA Agreement and shall be considered a Memorandum of Understanding between the Cities and the Authorized Districts to enable and allow one (1) representative of the Authorized Districts to participate in the governance of the IWMA as a member agency pursuant to Section 40977 of the Public Resource Code to represent the interests of all Authorized Districts; and

WHEREAS, all Authorized Districts are encouraged to execute the Second Amended and Restated JPA prior to October 15, 2022, or otherwise pursue means by which 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; and

WHEREAS, the Board of Directors of the San Simeon Community Services District desires to acknowledge, accept, and agree to be bound by the terms and conditions of the Second Amended and Restated JPA.

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

ADOPTED by the Board of Directors of the San Simeon Community Services District on July 12, 2022, by the following roll call votes:

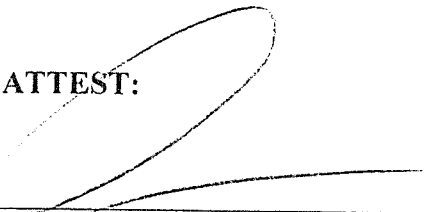
AYES: KILLAS, de la ROSA, GRACOLETTI, DONAHUE

NOES: 0

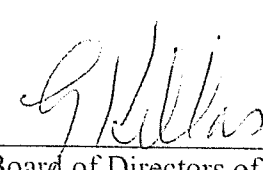
ABSENT: 0

ABSTAINED: 0

ATTEST:




Charles Grace, General Manager of the
San Simeon Community Services District



President, Board of Directors of the
San Simeon Community Services District

APPROVED AS TO FORM:



Jeffrey A. Minnery, District Counsel

EXHIBIT "A"

**SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT TO
ESTABLISH AN INTEGRATED WASTE MANAGEMENT AUTHORITY FOR THE
CITIES OF SAN LUIS OBISPO COUNTY, CALIFORNIA**