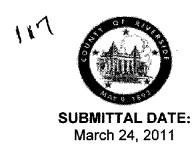
SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Waste Management Department

SUBJECT: Amendment No. 2 to Agreement - Edom Hill Landfill Wind Energy Facility

RECOMMENDED MOTION: That the Board:

- 1. Approve the attached Amendment to the Agreement between Winter Energy, LTD. (Company) and the Waste Management Department (Department); and
- 2. Authorize the Chairman to execute the Amendment to the Agreement on behalf of the Department.

BACKGROUND: In March 2005, the County entered into an agreement with the Company to grant an easement for a proposed Wind Energy Project at the Edom Hill Sanitary Landfill. The Agreement allowed the Company a three year evaluation period with a thirty (30) year operating period to follow. After the evaluation period and due to technical problems, the Company was unable to collect the necessary amount of data to determine the viability of a Wind Energy Facility.

		Hans W. Kernkamp, General Manager-Chief Engineer			
		mans vv. Kernka	amp, Generam	viariager-Criler Eng	meer
FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:		YES
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:		NO
	Annual Net County Cost:	\$ 0	For Fiscal Year: 2010/		2010/1
SOURCE OF FUNDS: Waste Management Enterprise Fund				Positions To Be Deleted Per A-30	
				Requires 4/5 Vote	
C.E.O. RECOMN		APPROVE	0		
		BY: alex 2	Jann		
County Executiv	ve Office Signature	Alex Gann			

Dep't Kecomm.: Per Exec. Ofc.:

Policy

Consent

X

Consent

COUNTY COUNSEL(2.1

Prev. Agn. Ref.: 3/1/05 (12.1), 3/17/09 (12.1)

District: 4

Agenda Number:

12.1

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In March 2009, an Amendment to the Agreement allowed the Company to extend its evaluation period for three additional years, which began on March 1, 2008. Due to continual technical problems, the Company seeks a second evaluation period extension. This amendment would extend it by an additional three years to allow the Company to collect the necessary data to make a determination. The second extension shall begin March 1, 2011 and terminate March 1, 2014.

PD# 100047

GRANT OF WINDPARK EASEMENT AND EASEMENT AGREEMENT AMENDMENT NO. 2

Winter Energy, LTD (herein called "COMPANY") and the County of Riverside (herein called "COUNTY") previously entered into an agreement on March 1, 2005, to grant easement rights to the COMPANY for a three year evaluation period and thirty (30) year operating period on the Edom Hill Sanitary Landfill Property for a "Wind Energy Project".

WHEREAS, COMPANY's Evaluation Period began March 1, 2005; and

WHEREAS, COMPANY needs additional data in order to justify construction; and

WHEREAS, COMPANY has lost a significant amount of data due to technical problems since the start of the Evaluation Period; and

WHEREAS, COMPANY recognizes the evaluation period expired as of March 1, 2008 in accordance with the Agreement; and

WHEREAS, COMPANY was given a three year extension to their evaluation period beginning on March 1, 2008; and

WHEREAS, COMPANY recognizes the evaluation period has expired as of March 1, 2011 in accordance with Amendment No. 1 to the Agreement; and

WHEREAS, a second amendment to the "Grant of Windpark Easement and Easement Agreement" is necessary to extend the Evaluation Period.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Section 3.2 of the Agreement, dated March 1, 2005, is deleted and replaced with the following:

Evaluation Period. The Evaluation Period shall be defined as the period of time during which the Developer shall gather data for use in determining feasibility of developing wind energy production at the site. The Evaluation Period shall terminate March 1, 2014. If Developer does not commence wind energy production activity on the Property during the Evaluation Period, the easements and rights granted by this Agreement shall terminate.

Except as specifically modified or amended above, all of the terms, covenants and conditions of said agreement of March 1, 2005, shall remain in full force and effect between the parties hereto.

IN WITNESS WHEREOF, the parties hereto have cauduly executed on	sed this Amendment to Agreement to b
RIVERSIDE COUNTY WASTE MANAGEMENT DEPARTMENT 14310 Frederick Street Moreno Valley, CA 92553	WINTEC ENERGY, LTD. 1090 North Palm Drive, Suite A Palm Springs, CA 92262 Dated: 3/23///
Dated: 3/22/11 RECOMMENDED FOR APPROVAL	Dated:
By: Hans Kernkamp, General Manager-Chief Engineer	By: Frederick Noble, President/CEO
COUNTY OF RIVERSIDE	
By: Chairman, Board of Supervisors	
ATTEST:	
By: Clerk of the Board (Seal)	