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



**FROM:** Waste Management Department

**SUBMITTAL DATE:**  
March 24, 2011

**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 Wintec 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

<b>FINANCIAL DATA</b>	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:	2010/11

<b>SOURCE OF FUNDS:</b> Waste Management Enterprise Fund	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**APPROVE**

BY:   
Alex Gann

**County Executive Office Signature**

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

☐ Consent  
☒ Policy

☐ Consent  
☐ Policy

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**

Wintec 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 caused this Amendment to Agreement to be duly executed on \_\_\_\_\_.

RIVERSIDE COUNTY  
WASTE MANAGEMENT DEPARTMENT  
14310 Frederick Street  
Moreno Valley, CA 92553

Dated: 3/22/11

RECOMMENDED FOR APPROVAL

By: [Signature]  
Hans Kernkamp, General Manager-Chief Engineer

WINTEC ENERGY, LTD.  
1090 North Palm Drive, Suite A  
Palm Springs, CA 92262

Dated: 3/23/11

By: [Signature]  
Frederick Noble, President/CEO

COUNTY OF RIVERSIDE

By: \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:

By: \_\_\_\_\_  
Clerk of the Board  
(Seal)

FORM APPROVED COUNTY COUNSEL  
BY: [Signature] DATE 3/22/11  
NEAL R. KIPNIS