

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

117



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.



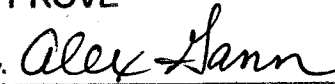
 Hans W. Kernkamp, General Manager-Chief Engineer

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:	2010/11

SOURCE OF FUNDS: 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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone and Benoit
 Nays: None
 Absent: Ashley
 Date: April 5, 2011
 xc: Waste 25

Kecia Harper-Ihem
 Clerk of the Board
 By: 
 Deputy

Prev. Agn. Ref.: 3/1/05 (12.1), 3/17/09 (12.1) **District:** 4 **Agenda Number:**

12.1

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL (2/2/11)
 BY: NEAL R. KIPNIS
 Departmental Concurrence

Policy
 Policy

Consent
 Consent

Dept's Recomm.:
 Per Exec. Ofc.:

F11 – Amendment No. 2 to Agreement – Edom Hill Landfill Wind Energy Facility
March 24, 2011
Page 2

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 APR 05 2011.

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: 3/22/11

Dated: 3/23/11

RECOMMENDED FOR APPROVAL

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

By: [Signature]
Frederick Noble, President/CEO

COUNTY OF RIVERSIDE

By: [Signature]
Chairman, Board of Supervisors **BOB BUSTER**

ATTEST:
KECIA HARPER-IHEM, Clerk

By: [Signature]
DEPUTY

(Seal)

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