

Town of Yountville

Resolution Number 21-4038

ADOPT RESOLUTION APPROVING THE FIFTH AMENDMENT TO NAPA COUNTY AGREEMENT NO. 3265 (UPPER VALLEY WASTE MANAGEMENT AGENCY JOINT POWERS AGREEMENT)

Recitals

- A. **WHEREAS** the Upper Valley Waste Management Agency is a joint powers entity formed to provide economic coordination of regional waste management services to the Members, including but not limited to franchising of solid waste handling services, uniform rate review and rate setting for those services in the Agency's Service Area, and acting as the Regional Agency for purposes of implementing the provisions of the California Integrated Waste Management Act of 1989 (the "Agency"); and
- B. **WHEREAS** the Agency is organized and operates under California Government Code section 6500 et seq. (the "Joint Exercise of Powers Act") and is a separate and distinct public entity from its member agencies, which include the County of Napa, the City of Calistoga, the City of St. Helena, and the Town of Yountville (the member agencies are collectively referred to herein as "Members" and individually as "Member"); and
- C. **WHEREAS** the Agency and Members are subject to that certain joint powers agreement (Napa County Agreement No. 3265) dated September 29, 1992, and subsequently amended on March 15, 1994, June 27, 1995, August 20, 1996, and August 25, 1998 (the "Joint Powers Agreement"); and
- D. **WHEREAS** the Joint Powers Agreement in Section 9.1 provides in relevant part: "Amendments to this AGREEMENT shall be made only with the consent of all existing MEMBERS at the time of the amendment without regard to voting power; any such consent shall be in the form of duly authorized resolutions of the MEMBERS' respective governing bodies;" and
- E. **WHEREAS** The Town of Yountville now wishes to consent to and approve an amendment to the Joint Powers Agreement pursuant to this Resolution and as provided herein.

Now therefore, the Town Council of the Town of Yountville does resolve as follows:

- 1. The Recitals above are true and correct and fully incorporated herein.
- 2. The "Fifth Amendment to Napa County Agreement No. 3265 (Upper Valley Waste Management Agency Joint Powers Agreement)," attached hereto as Exhibit "A" and fully incorporated herein by reference, is hereby consented to and approved.

3. The Town Manager is authorized to take all actions necessary or convenient to effectuate this Resolution.
4. The Resolution is hereby adopted and becomes effective and in full force immediately upon adoption.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Yountville, State of California, held on this 2nd day of March, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk