



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Works
Department No.: 054
For Agenda Of: August 18, 2009
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Scott McGolpin; Director
Director(s) Public Works Department 568-3010
Contact Info: Mark Schleich; Deputy Director 882-3600
Resource Recovery and Waste Management Division
**SUBJECT: First Amendment to Landfill Gas Lease & Operating Agreement;
Third Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions: That the Board of Supervisors:

Approve and execute, in duplicate, the First Amendment to Landfill Gas Lease and Operating Agreement between the County of Santa Barbara and Neo Tajiguas, LLC, a Delaware limited liability company for the continued operation of their methane gas collection and processing facilities at the Tajiguas Landfill.

Summary Text:

This Amendment changes and corrects the legal description that was attached to the original Landfill Gas Lease and Operating Agreement (herein the "Gas Lease") between the County of Santa Barbara ("County") and Neo Tajiguas, LLC executed March 10, 1998 for the operation of a methane gas collection and processing facility.

Background:

The County and Neo Tajiguas, LLC entered into the original Gas Lease on March 10, 1998. Neo Tajiguas, LLC subleased the facilities to MM Tajiguas Energy, LLC on June 30, 1998. Subsequent to the execution of the Gas Lease and sublease, it was noted that the legal description attached to those documents did not properly describe the lease area. Neo Tajiguas, LLC and the County agreed to amend the Gas Lease by attaching the correct legal description and adding a visual depiction showing the County's Landfill utilities within and near the Neo Tajiguas, LLC lease area.

Fiscal and Facilities Impacts:

Budgeted: Yes. There are no Fiscal or Facilities Impacts.

Staffing Impacts: None

Special Instructions: After Board action, please distribute as follows:

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|---|--|
| 1. Original executed Document - | Jeff Havlik, Public Works, Surveyors |
| 2. Duplicate Original Document & Minute Order - | Jeff Havlik, Public Works, Surveyors |
| 3. Minute Orders | Mark Schleich,
Colleen Hankins, and
Imelda Cragin. Resource Recovery and
Waste Management Division. |

NOTE: After execution of the Gas Lease by the Chair of the Board, the Real Property Division will record the original executed Lease with exhibits, and have the duplicate original stamped as a certified copy by the Recorder's office. After recordation the original Gas Lease will be forwarded to Neo Tajiguas, LLC and the certified copy will be delivered to the Clerk of the Board for its file and reference.

Attachments:

Original and duplicate original First Amendment to Landfill Gas Lease and Operating Agreement with exhibit.

Authored by:

Jeff Havlik, SR/WA
Public Works Department
County Surveyor's Office

cc: