

RESOLUTION NO. 26-12

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY
APPROVING THE FIRST AMENDMENT TO THE FIFTH AMENDMENT AND
RESTATEMENT OF THE JOINT EXERCISE OF POWERS AGREEMENT**

WHEREAS, the West Contra Costa Integrated Waste Management Authority (“Authority”) is a joint powers authority formed under California law to provide regulatory oversight of the disposal and recycling processing of solid waste and household hazardous waste (HHW) collected from the Cities of El Cerrito, Hercules, Pinole, Richmond, San Pablo and portions of the unincorporated County of Contra Costa; and

WHEREAS, the Joint Exercise of Powers Agreement (JEPA) was executed in 1991 to form the Authority, and was subsequently amended in 1991, 1993, 1995, 2011 and 2019; and

WHEREAS, Section 1.17 of the JEPA defines “Fiscal Year” to mean the period commencing July 1 and ending on the following June 30; and

WHEREAS, Section 8.8 of the JEPA requires a general budget for the Authority’s operations to be adopted by the Board for the ensuing Fiscal Year prior to June 30 of each year; and

WHEREAS, the Authority establishes and approves the rates to be charged at the Approved Facilities for the start of each calendar year; and

WHEREAS, Staff presented rationale for the Board’s consideration to change the Authority’s Fiscal Year from July 1 – June 30 to January 1 – December 31 at the Board meetings on May 14, 2026 and June 11, 2026; and

WHEREAS, the six-month lag between setting the Authority budget and setting the PCA rates can be addressed by amending the JEPA definition of “Fiscal Year” in Section 1.17 to mean the period commencing January 1 and ending on December 31, and amending Section 8.8 to require the general budget for the Authority’s operations to be adopted by the Board by November 30 for the ensuing Fiscal Year beginning on January 1.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the West Contra Costa Integrated Waste Management Authority that:

The First Amendment to the Fifth Amendment and Restatement Joint Exercise of Powers Agreement (JEPA) is hereby approved and staff is directed to ask the Member Agencies to execute this First Amendment to the JEPA (Exhibit A).

ATTEST

CHAIR OF THE BOARD

Viviane Vidal 6/22/26

Viviane Vidal, Board Secretary Date

Rita C. Xavier June 23, 2026

Rita Xavier, Board Chair Date

Attachment: Exhibit A - First Amendment to the Fifth Amendment and Restatement Joint Exercise of Powers Agreement

I hereby certify that the foregoing Resolution was adopted by the Board of Directors of the West Contra Costa Integrated Waste Management Authority at a regularly scheduled meeting on June 11, 2026, by the following vote:

AYES: Directors: Zepeda, Xavier, Robinson, Murphy, Bhattarai, Kstanes, Brown

NOES: Directors: _____

ABSTAIN: Directors: _____

ABSENT: Directors: _____

Viviane Vidal

Viviane Vidal, Board Secretary

EXHIBIT A

First Amendment

to the

Fifth Amendment and Restatement

Joint Exercise of Powers Agreement

**FIRST AMENDMENT TO THE
FIFTH AMENDMENT AND RESTATEMENT JOINT EXERCISE OF POWERS
AGREEMENT OF THE WEST CONTRA COSTA INTEGRATED WASTE
MANAGEMENT AUTHORITY**

THIS FIRST AMENDMENT (the “Amendment”) is entered into as of _____, 2026, and is by and among the CITY OF EL CERRITO (“El Cerrito”), a municipal corporation and charter city, the CITY OF HERCULES, a municipal corporation, the CITY OF PINOLE, a municipal corporation, the CITY OF RICHMOND, a municipal corporation and charter city, and the CITY OF SAN PABLO, a municipal corporation hereinafter referred to individually as “Member” and collectively as “Members.” This Amendment amends the *Fifth Amendment and Restatement Joint Exercise of Powers Agreement of the West Contra Costa Integrated Waste Management Authority*, dated November 20, 2019 (the “Agreement”).

RECITALS

A. The Agreement provides that the Authority must adopt a budget for the period from July 1 to June 30 of the following year, referred to as the “Fiscal Year.”

B. To better align the Authority’s budget with the annual rate setting process under the Post-Collection Agreement pursuant to which the Authority receives its operating revenue, the Board of Directors desires to operate on a calendar-year basis.

C. The Members desire to amend the JEPA to authorize Authority to adopt a calendar-year based budget for the budget year beginning on January 1, 2027.

AGREEMENT

Section 1. Section 1.17 of the Agreement is amended to read as follows:

1.17. Fiscal Year. For the period through December 31, 2026, “Fiscal Year” means the period commencing on each July 1 and ending on the following June 30. Beginning January 1, 2027, “Fiscal Year” means the period commencing on January 1 and ending on December 31 of each year.

Section 2. Section 8.8 of the Agreement is amended to read as follows:

8.8. Budget. A general budget for the Authority’s operations shall be adopted by the Board prior to June 30 for each Fiscal Year that begins on July 1 and prior to November 30 for each Fiscal Year that begins January 1 of the subsequent year. The budget adopted for the period from January 1, 2027 to December 31, 2027 shall supersede the budget covering the period from July 1, 2026 to June 30, 2027. The budget shall include sufficient detail to constitute an operating guideline, the anticipated sources of funds, and the anticipated expenditures to be made for the operations of the Authority including HHW Programs. Approval of the budget by the Board shall constitute authority for the Executive

First Amendment JEPA dated November 20, 2019

Director to expend funds for the purposes outlined in the approved budget, subject to the availability of funds on hand.

Section 3. All other provisions of the Agreement remain unchanged and in full force and effect.

CITY OF EL CERRITO

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

CITY OF HERCULES

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

CITY OF PINOLE

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

CITY OF RICHMOND

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

[SIGNATURES CONTINUED ON THE NEXT PAGE]

CITY OF SAN PABLO

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney