

FIRST AMENDMENT

TO

**COOPERATIVE JOINT POWERS AGREEMENT
TO FUND AND ADMINISTER THE NAPA COUNTYWIDE STORMWATER
MANAGEMENT PROGRAM (NAPA COUNTYWIDE
STORMWATER POLLUTION PREVENTION PROGRAM)**

THIS AMENDMENT NO. 1 TO COOPERATIVE JOINT POWERS AGREEMENT (this “Amendment”) is made and entered into as of this ____ day of _____ 2018, by and between the Napa County Flood Control and Water Conservation District, a special district of the State of California, (“DISTRICT”), the City of American Canyon, the City of Napa, the City of St. Helena, the City of Calistoga (collectively, “CITIES”), and the Town of Yountville (“TOWN”), and Napa County, a political subdivision of the State of California (“COUNTY”). DISTRICT, CITIES, TOWN, and COUNTY are also referred to herein collectively as “Parties.”

RECITALS

WHEREAS, CITIES, TOWN and COUNTY are permittees under the Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems adopted by the State Water Resources Control Board on February 5, 2013 as Order No. 2013-0001-DWQ and National Pollutant Discharge Elimination System General Permit No. CAS000004, as amended (“General MS4 Permit”); and

WHEREAS, on or about March 8, 2016, DISTRICT, CITIES, TOWN, and COUNTY entered into Cooperative Joint Powers Agreement for the funding and administration of the Napa Countywide Stormwater Pollution Prevention Program (NCSPPP) (the “Agreement”) [also known as Napa County Flood Control And Water Conservation District Agreement No. 463 (FC), Napa County Agreement No. 8437, City of Napa Agreement No. C2015 244, City of St. Helena Agreement No. 2015-106, City of Calistoga Agreement No. 641, and City of American Canyon Agreement No. 2015-170] pursuant to which the DISTRICT administers the NCSPPP to facilitate CITIES, TOWN and COUNTY’s compliance with the General MS4 Permit, and CITIES, TOWN and COUNTY reimburse the DISTRICT for their respective share of the DISTRICT’s costs; and

WHEREAS, the General MS4 Permit is effective through June 30, 2018, and may be administratively extended by the State Water Resources Control Board; and

WHEREAS, the Parties anticipate that the State Water Resources Control Board will administratively extend the General MS4 Permit until June 30, 2021; however, the State Water Resources Control Board has not yet taken the necessary actions to extend the General MS4 Permit; and

WHEREAS, the Parties now wish to amend the Agreement to extend the term to June 30, 2021 to cover the time period in which the State Water Resources Control Board is anticipated to administratively extend and re-issue the General MS4 Permit.

TERMS

NOW THEREFORE, the Parties hereby amend the Agreement as follows:

1. Paragraph 1 of the Agreement is amended to read in full, as follows:
 1. **Term of the Agreement.** The term of this Agreement shall have commenced on March 8, 2016, and shall terminate on June 30, 2021. The term of this Agreement shall remain in full force and effect unless any of the Parties gives the other Parties written notice of intention to terminate in accordance with the provisions set forth in Paragraph 7(a) or 7(b).
2. Except as provided in section 1, above, all other terms and conditions of the Agreement shall remain in full force and effect.
3. This Amendment may be executed in multiple counterparts, each of which shall be deemed to be an original but all of which shall constitute one and the same Amendment.

IN WITNESS WHEREOF, the Parties have executed this Amendment of the Agreement as of the date first above written.

NAPA COUNTY, a political subdivision of
the State of California

By _____
BRAD WAGENKNECHT, Chair of the
Board of Supervisors

"COUNTY"

APPROVED AS TO FORM Office of County Counsel By: <u>Thomas S. Capriola</u> Deputy County Counsel Date: <u>April 26, 2018</u>	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed By: _____ _____ Deputy Clerk of the Board	ATTEST: JOSE LUIS VALDEZ Clerk of the Board of Supervisors By: _____
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CITY OF NAPA

By: _____
JILL TECHEL, Mayor
"CITY"

ATTEST: DOROTHY ROBERTS
City Clerk

By: _____

COUNTERSIGNED:
DESIREE BRUN, City Auditor

By: _____

APPROVED AS TO FORM:
MICHAEL BARRETT, City Attorney

By: _____

CITY OF ST. HELENA

By: _____
ALAN GALBRAITH, Mayor
"CITY"

ATTEST: CINDY TZAFPOULOS
City Clerk

By: _____

APPROVED AS TO FORM:
THOMAS B. BROWN,
City Attorney

By: _____

CITY OF CALISTOGA

By: _____
CHRIS CANNING, Mayor
"CITY"

ATTEST: KATHY FLAMSON,
City Clerk

By: _____

APPROVED AS TO FORM:
MICHELLE KENYON,
City Attorney

By: _____

CITY OF AMERICAN CANYON

By: _____
LEON GARCIA, Mayor
"CITY"

ATTEST: CHERRI WALTON
Deputy City Clerk

By: _____

APPROVED AS TO FORM:
WILLIAM D. ROSS,
City Attorney

By: _____

TOWN OF YOUNTVILLE

By: _____
JOHN F. DUNBAR, Mayor
"TOWN"

ATTEST: MICHELLE DAHME,
Town Clerk

By: _____

APPROVED AS TO FORM:
MICHAEL COBDEN, Town Attorney

By: _____

NAPA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT, a
special district of the State of California

By: _____
BRAD WAGENKNECHT
Chairperson of the Board of Directors

“DISTRICT”

APPROVED AS TO FORM Office of District Counsel By: <u>Shana A. Bagley (e-sign)</u> District Counsel Date: <u>April 27, 2018</u>	APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT Date: _____ Processed By: _____ Deputy Secretary of the District Board	ATTEST: Secretary of the District Board By: _____
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