

BOARD OF COUNTY COMMISSIONERS  
SARPY COUNTY, NEBRASKA

RESOLUTION APPROVING FOURTH ADDENDUM TO AGREEMENT WITH CII METHANE  
MANAGEMENT II, L.L.C. (ASSIGNEE OF BLUE SOURCE/CII) FOR LANDFILL GAS  
COLLECTION SYSTEM AT THE SARPY COUNTY LANDFILL

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, this board approved an agreement on April 14, 2009 between the County of Sarpy and Blue Source/CII to provide for the installation and operation of a landfill gas collection system at the Sarpy County Landfill; and,

WHEREAS, this board approved First, Second and Third Addendums to said Agreement on April 28, 2009, May 25, 2010 and February 7, 2012, respectively; and,

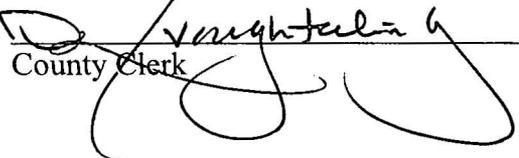
WHEREAS, the parties are desirous of entering into a Fourth Addendum amending the provisions of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners that this Board hereby approves and adopts this Fourth Addendum to the Agreement with CII Methane Management II, L.L.C. for installation and operation of a landfill gas collection system at the Sarpy County Landfill, a copy of which is attached.

BE IT FURTHER RESOLVED that the Chairman of this Board, together with the County Clerk, is hereby authorized to sign on behalf of this Board the Fourth Addendum to the Agreement with CII Methane Management II, L.L.C., a copy of which is attached, and any other related documents, the same being approved by the Board.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 7<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
Sarpy County Board Chairman

Attest:  
SEAL  
  
  
\_\_\_\_\_  
County Clerk

# Sarpy County Purchasing Department

SARPY COUNTY COURTHOUSE  
1210 GOLDEN GATE DRIVE  
PAPILLION, NE 68046



Brian Hanson, Purchasing Agent  
(402) 593-2349  
Debby Peoples, Asst. Purchasing Agent  
(402) 593-4164  
Beth Garber, Senior Buyer/Contract Administrator  
(402) 593-4476  
Lois Spethman, Supply Clerk/Purchaser  
(402) 593-2102

## Memo

To: Sarpy County Board of Commissioners

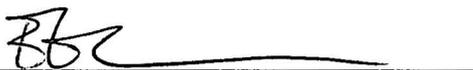
From: Beth Garber

Re: Addendum #4 Gas Management System

The original Gas Management Agreement stated that CII and all subcontractors must carry a \$10,000,000 pollution liability insurance aggregate. In discussions with CII and NIRMA it has been recommended that pollution liability insurance can be reduced to \$5,000,000 in the aggregate and for operations and \$2,000,000 in the aggregate for O&M services.

The addendum has been reviewed by the County Attorney's Office, Landfill and Fiscal Administration and is recommended for approval. Should you have any questions, please contact me at [bgarber@sarpy.com](mailto:bgarber@sarpy.com).

July 31, 2012

  
Beth Garber

Cc: Deb Houghtaling  
Mark Wayne  
Scott Bovick  
Brian Hanson  
Duwaine Brigman  
Kerry Schmid

**FOURTH ADDENDUM TO AMEND AGREEMENT  
WITH CII METHANE MANAGEMENT II, L.L.C..**

This Fourth Addendum is entered into by and between CII Methane Management II, L.L.C., or an affiliate thereof, and Sarpy County, Nebraska, a body politic and corporate (hereinafter "Sarpy").

WHEREAS, the parties have previously entered into an Agreement and First, Second and Third Addendums to provide for the installation and operation of a landfill gas collection system at the Sarpy County Landfill; and,

WHEREAS, the parties are desirous of amending the provisions of said Agreement and Addendums by this Fourth Addendum.

NOW, THEREFORE, it is hereby agreed by and between the parties:

I.

The prior Agreement and First, Second and Third Addendums between the parties are hereby amended by the terms of this Fourth Addendum.

II.

Section 9 (b) shall be amended to read, "During the Term, CII Methane Management II, L.L.C. (assignee of CII, per Third Addendum) agrees that it, or whatever other architectural, engineering and consulting firm that CII Methane Management II, L.L.C. retains to operate the project in accordance with Section 2 (b), shall have Contractor's Pollution Liability Insurance coverage of five million dollars (\$5,000,000) in the aggregate. With respect to O&M services only, CII Methane Management II, L.L.C. (assignee of CII, per Third Addendum) agrees to provide two million dollars (\$2,000,000) of pollution liability insurance."

III.

The remaining terms and conditions of said prior Agreement and First, Second and Third Addendums shall remain unchanged.

IN WITNESS WHEREOF, we, the contracting parties, by our respective and duly authorized agents, hereby affix our signatures and seals as shown on the following signature pages.

Dated this 24<sup>th</sup> day of July, 2012.

CII METHANE MANAGEMENT II, L.L.C.

[Signature]  
By: Annika Colston  
Its: President

SARPY COUNTY

[Signature]  
By: Rusty Hike  
Its: Chairman

SEAL

ATTEST:



[Signature]  
County Clerk

Approved as to form:

[Signature]  
County Attorney/Deputy

# Deb Houghtaling

Fred Uhe  
Chief Deputy

# Sarpy County Clerk

Renee Lansman  
Assistant Chief Deputy

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1210 Golden Gate Drive • Papillion, Nebraska 68046-2895  
Phone: 402-593-2105 • Fax: 402-593-4471 • Website [www.Sarpy.com](http://www.Sarpy.com) • Email: [Clerk@sarpy.com](mailto:Clerk@sarpy.com)

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August 10, 2012

Annika Colston  
CII Methane Partners  
93 St. Marks PI Suite 2  
New York NY 10009

Re: Fourth Addendum to Agreement for Landfill Gas Collection System

Enclosed is an original of the subject agreement for your records which has been approved by the Sarpy County Board and signed by the Chairman on August 7, 2012.

Sincerely,



Deb Houghtaling  
Sarpy County Clerk

Enclosure  
DJH/kk