

**SEVENTH AMENDMENT TO JOINT EXERCISE
OF POWERS AGREEMENT FOR
CONSTRUCTION OF THE
STATE ROUTE 4 BYPASS**

1. EFFECTIVE DATE AND PARTIES

Effective September 28, 1999, the COUNTY OF CONTRA COSTA, a political subdivision of the State of California ("the "County"), the CITY OF ANTIOCH, a municipal corporation duly organized and existing under the laws of the State of California ("Antioch"), the CITY OF BRENTWOOD, a municipal corporation duly organized and existing under the laws of the State of California ("Brentwood"), and the CITY OF OAKLEY, a municipal corporation duly organized and existing under the laws of the State of California ("Oakley"), mutually agree as follows:

2. PURPOSE

Effective February 28, 1989, the County, Antioch, and Brentwood entered into a written agreement entitled "JOINT EXERCISE OF POWERS AGREEMENT FOR ROUTE ADOPTION OF THE STATE ROUTE 4 BYPASS" (referred to as the "Agreement"), which provides for the creation of a separate joint powers agency to perform planning and administration for the State Route 4 Bypass project, including route alignment, environmental review, design, construction, and other project activities. The Agreement previously has been amended as follows: First Amendment dated October 23, 1990; Second Amendment dated May 28, 1991; Third Amendment dated August 25, 1992; Fourth Amendment dated April 30, 1993; Fifth Amendment dated September 27, 1994 (revised title of Agreement to "JOINT EXERCISE OF POWERS AGREEMENT FOR CONSTRUCTION OF THE STATE ROUTE 4 BYPASS"); and Sixth Amendment dated May 20, 1997. With Oakley's incorporation as a new city effective July 1, 1999, the parties wish to amend the Agreement to add Oakley as an additional member of the Authority, pursuant to Section 21 of the Agreement.

3. AMENDMENTS TO AGREEMENT

- A. On page 1, in the first paragraph, add the CITY OF OAKLEY, a municipal corporation duly organized and existing under the laws of the State of California, to the parties listed in that paragraph.
- B. Revise all references in the Agreement to "the County, Brentwood, and/or Antioch" to read "the County, Antioch, Brentwood, and/or Oakley."
- C. In Section 4.B Governing Board, change subpart a to read:

"One director shall be designated and appointed by each participant within 30 days after the effective date of this agreement, or in the case of a new member, within 30 days after the effective date of the amendment adding the new member. The directors shall be members of the governing body of the legislative body which they represent."

D. In Section 6 SPECIFIC POWERS, change subpart i to read:

"Serve as Project Sponsor for right of way acquisition, design, and construction of the Project as designated in the 'Joint Exercise of Powers Agreement by and among the City of Antioch, the City of Brentwood, the City of Oakley, and the City of Pittsburg, and the County of Contra Costa relating to the East Contra Costa Regional Fee and Financing Authority."

4. **REMAINING PROVISIONS**

Subject to the changes made by this and previous amendments, all provisions of the Agreement shall remain in full force and effect.

5. **SIGNATURES**

These signatures attest the parties' agreement hereto:

COUNTY OF CONTRA COSTA

By:  _____

ATTEST: Phil Batchelor, Clerk of the
Board of Supervisors and County
Administrator

By:  _____

Deputy Clerk

FORM APPROVED:

Victor J. Westman, County Counsel

By:  _____

David F. Schmidt, Deputy County Counsel

CITY OF ANTIOCH

By: Mary Helen Rocha
Mayor

ATTEST:

By: [Signature]
City Clerk

FORM APPROVED:

By: William R. Galstan
William Galstan, City Attorney

CITY OF BRENTWOOD

By: [Signature]
Mayor

ATTEST:

By: [Signature]
City Clerk

FORM APPROVED:

By: [Signature]
Gaie Adams, City Attorney

CITY OF OAKLEY

By: [Signature]
Mayor

ATTEST:

By: [Signature]
City Clerk

FORM APPROVED:

By: [Signature]
Elizabeth H. Silver, City Attorney