

CITY OF ALAMEDA RESOLUTION NO. ____

AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A
JOINT EXERCISE OF POWERS AGREEMENT ESTABLISHING AND
GOVERNING OPERATION OF THE COLLECTION SYSTEM
TECHNICAL ADVISORY COMMITTEE AND DEFENDANT'S SIDE
AGREEMENT TO FACILITATE CONSENT DECREE COMPLIANCE

WHEREAS, the City of Alameda (City) owns and operates the local sanitary sewer collection system and discharges the sanitary flow an interceptor owned by the East Bay Municipal Utility District (EBMUD) where it is conveyed to a regional treatment plant, also owned by EBMUD; and

WHEREAS, the City and the six other tributary agencies to the regional treatment plant, along with EBMUD, entered a Joint Exercise of Powers Agreement in 1979, with an amendment in 1986, to contract for and administer common services to realize cost savings through economies of scale; and

WHEREAS, the Environmental Protection Agency filed suit against EBMUD and a separate suit against each of the tributary collection systems, including the City; and

WHEREAS the lawsuits were combined and settled with the terms of the settlement codified in the 2014 Final Consent Decree for Case Nos. C09-00186 and 09-05684; and

WHEREAS, the existing JPA is outdated and the proposed JPA updates the chronology of regulatory action and refines the stated purpose of the JPA to include coordination on individual and jointly funded Consent Decree projects so that tributary agencies can benefit from valuable services at a cost that continues to benefit from economies of scale; and

WHEREAS, the Defendant's Side Agreement to facilitate Consent Decree Compliance ("Defendant's Side Agreement") specifies cost allocation in certain circumstances, specifies an arbitration for any disagreement among the Consent Decree defendants regarding revised work plans, and contains a Roles and Responsibilities arrangement between the City of Alameda and EBMUD regarding implementation of the Regional Private Sewer Lateral program; and

WHEREAS, both the proposed JPA and Defendant's Side Agreement are needed for the successful implementation of the City's Consent Decree obligations; and

WHEREAS, these Agreements will help protect ratepayers and the City from stipulated fines under the Consent Decree and/or other litigation involving the City's sewer collections system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that the Interim City Manager is authorized to enter into a Joint Exercise of Powers Agreement Establishing and Governing Operation of the Collection System Technical Advisory Committee and Enter into a Defendant's Side Agreement to Facilitate Consent Decree Compliance.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 16th day of October 2018, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 17th day of October 2018.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern, City Attorney
City of Alameda