

**RESOLUTION NO. 18-\_\_\_\_\_**

**Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Joint Exercise Of Powers Agreement (JPA) And All Other Implementing Agreements Of The Collection System Technical Advisory Committee (CSTAC).**

**WHEREAS**, the City is one of eight Defendants in the September 2014 Consent Decree (CD) issued by the Federal Government and State of California; and

**WHEREAS**, the CD requires significant work by all Defendants over a 22-year period with the purpose of eliminating the use of wet weather facilities for flows up to and including design storm events; and

**WHEREAS**, the City already has a formal relationship with EBMUD and the six other wastewater "satellite" agencies that are tributary to EBMUD via an existing joint powers agreement (existing JPA) that was adopted in 1979 and amended in 1986; and

**WHEREAS**, the existing JPA is outdated in that the specific stated purposes for it are outlived or superseded, it is not applicable to current issues and requirements the agencies face, and a new agreement needs to be made to address requirements in the 2014 CD to which all Defendants are subject; and

**WHEREAS**, successful flow reduction in individual Defendants' systems affects overall results of all Defendants, therefore, the staffs of the eight Defendant agencies initiated a project to develop a "side agreement" to a new JPA in order to define how any future imposed work plans would be devised and implemented by Defendants; and

**WHEREAS**, the new JPA agreement and side agreement were developed with the input and review of all eight Defendants, and all have scheduled approval by their governing bodies in September 2018; now, therefore, be it

**RESOLVED**, that the City Manager is hereby authorized to execute the Joint Exercise of Powers Agreement (JPA) establishing and governing operation of the Collection System Technical Advisory Committee (CSTAC) and the Defendants' Side Agreement to facilitate Consent Decree (CD) compliance.

**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 4, 2018, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY CLERK

  
\_\_\_\_\_  
CITY ATTORNEY