

RESOLUTION NO. 17-020

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
APPROVING THE SECOND AMENDMENT OF THE JOINT EXERCISE OF POWERS
AGREEMENT FOR THE MONTEREY REGIONAL WATER POLLUTION CONTROL
AGENCY TO CHANGE THE NAME OF THE AGENCY TO “MONTEREY ONE
WATER”**

WHEREAS, on June 26, 2017, the Board of Directors of the Monterey Regional Water Pollution Control Agency, at a regular meeting, expressed the desire to change the name of the Agency to “Monterey One Water;” and

WHEREAS, the name change was desirable to the Agency as they transition into accepting and treating water sources beyond the member entities’ wastewater flows; and

WHEREAS, the concept of using all water for beneficial use has been gaining momentum across the country and the Agency is embracing the concept of utilizing these additional water sources as critically important to the region’s future supply; and

WHEREAS this paradigm shift includes changing the name of the Agency to better reflect the services the Agency intends to provide to the region; and

WHEREAS, the consent of each member entity is required to amend the Joint Exercise of Power Agreement to change the name of the Agency to “Monterey One Water.”

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pacific Grove does hereby:

1. Approve the change of name of the Monterey Regional Water Pollution Control Agency to “Monterey One Water,” and the Second Amendment to Joint Exercise of Powers Agreement in the form attached here to as Exhibit “A.”

2. Authorize the Mayor to execute the Second Amendment on behalf of the City.

PASSED AND ADOPTED by the CITY COUNCIL OF THE CITY OF PACIFIC GROVE this 16th day of August, 2017, by the following vote:

AYES: Mayor Kampe, Councilmembers Fischer, Garfield, Huitt, Peake, and Smith.

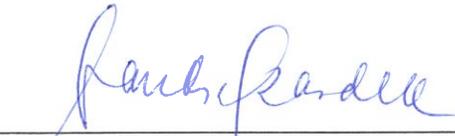
NOES: None.

ABSENT: Councilmember Cuneo.

APPROVED:


BILL KAMPE, Mayor

ATTEST:


SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:


DAVID C. LAREDO, City Attorney

EXHIBIT A

SECOND AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT FOR THE MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY

THIS SECOND AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT FOR THE MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY (this "Amendment") is made and entered into by and between those certain public agencies, hereinafter designated individually as the "Member Agency," which have duly executed, pursuant to resolution or ordinance, The Joint Exercise of Powers Agreement For The Monterey Regional Water Pollution Control Agency, (the "JPA Agreement"), as follows:

RECITALS

WHEREAS, each of the Member Agencies presently has a representative on the Board of Directors of the Monterey Regional Water Pollution Control Agency ("MRWPCA"); and

WHEREAS, each Member Agency is duly authorized and empowered by law to contract for the joint exercise of powers under the Government Code of the State of California, and the parties have and possess the common power and authorization to acquire, construct, maintain and operate facilities for the collection, transmission, treatment, disposal and reclamation of sewage and wastewater for the benefit of lands and inhabitants within their respective boundaries; and

WHEREAS, pursuant to the JPA Agreement, the Member Agencies have established the Monterey Regional Water Pollution Control Agency, a joint exercise of powers agency, separate and distinct from the Member Agencies, to undertake and implement the common power of the Member Agencies to study, plan for, design, finance, construct and operate, and to contract for same, regional wastewater treatment facilities for the area of North Monterey County, California; and

WHEREAS, the Member Agencies have determined to amend the JPA Agreement to change the name of the Agency to "Monterey One Water"; and

WHEREAS, the JPA Agreement may be amended in the manner set forth in Section 7.07 thereof;

NOW, THEREFORE, the Member Agencies hereby agree to amend the JPA Agreement as follows:

1. Amendment of JPA Agreement to Change the Name. The JPA Agreement is hereby amended to change the name of the Agency to "Monterey One Water" and all references to "Monterey Regional Water Pollution Control Agency" or "MRWPCA", such as set out in the title to the JPA Agreement, in Section 2.02 (Name of Agency) and in all other places in the JPA Agreement, shall be changed to "Monterey One Water."

2. JPA Agreement in Full Force and Effect. Except as specifically amended hereby, the JPA Agreement shall remain in full force and effect.

3. Effectiveness. This Amendment shall be effective upon the execution and delivery hereof by all of the existing members of the Authority.

IN WITNESS WHEREOF the Member Agencies hereto, by and through their respective duly authorized representatives, have executed this AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT FOR THE MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY on the dates so indicated hereinafter.

CITY OF DEL REY OAKS

By _____
Mayor

ATTEST:

City Clerk

CITY OF MONTEREY
By
Mayor

ATTEST:

City Clerk

CITY OF PACIFIC GROVE
By BILL KAMPE
Mayor

ATTEST:

SANDRA KANDELL, City Clerk

CITY OF SALINAS
By

Mayor

ATTEST:

City Clerk

CITY OF SAND CITY

By
Mayor

ATTEST:

City Clerk

CITY OF SEASIDE

By
Mayor

ATTEST:

City Clerk