

## RESOLUTION NO. 20-028

### CONSENTING TO THE TERMINATION OF THE MONTEREY PENINSULA REGIONAL WATER AUTHORITY JOINT POWERS AUTHORITY

#### FINDINGS

1. The Monterey Peninsula Regional Water Authority (“MPRWA”) is a joint power authority pursuant to the Joint Exercise of Powers Act, set forth in the Government Code, Title 1, Division 7, Chapter 5, Section 6500 et seq. (the “Act”).
2. MPRWA consists of the Cities of Monterey, Carmel-by-the-Sea, Del Rey Oaks, Pacific Grove, Sand City, and Seaside (“Members”), which formed the MPRWA in 2012 by executing a Joint Exercise of Powers Agreement (“Agreement”).
3. The Agreement provides that it may be rescinded and the MPRWA terminated by unanimous written consent of all Members, except during the outstanding term of any Authority indebtedness.
4. There will be no known outstanding term of Authority indebtedness by August 31, 2020.
5. The City of Pacific Grove determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CCR, Title 14, Chapter 3 (“CEQA Guidelines”), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

#### **NOW THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:**

1. The City Council determines that each of the findings set forth above is true and correct, and by this reference incorporates those findings as an integral part of this Resolution.
2. The City of Pacific Grove consents to the termination of the MPRWA pursuant to paragraph 15.2 of the Agreement by August 31, 2020 or as soon thereafter as is administratively possible.
3. The Mayor is authorized to execute an agreement rescinding the Agreement and terminating MPRWA on the unanimous consent of the Members, and to take any other necessary steps to effectuate its termination.

**PASSED AND ADOPTED** BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 15<sup>th</sup> day of July, 2020, by the following vote:

AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, McAdams, Smith and Tomlinson.

NOES: None.

ABSENT: None.

APPROVED:

DocuSigned by:  
*Bill Peake*  
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BILL PEAKE, Mayor

ATTEST: **7/22/2020**  
DATED: \_\_\_\_\_

DocuSigned by:  
*Sandra Kandell*  
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SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DocuSigned by:  
*David C. Laredo*  
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DAVID C. LAREDO, City Attorney