

RESOLUTION NO. 16-046

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PACIFIC GROVE CONSENTING TO AN
AMENDMENT TO PARAGRAPH 7.02 ("TERMINATION")
OF THE MONTEREY REGIONAL WATER POLLUTION CONTROL
AGENCY ("MRWPCA") JOINT EXERCISE OF POWERS AGREEMENT**

FINDINGS

WHEREAS, the City of Pacific Grove is a Member Agency of the MRWPCA; and

WHEREAS, as part of the financing arrangement to support construction of certain components of the Pure Water Monterey Groundwater Replenishment Project ("Project"), MRWPCA will be entering into a borrowing agreement with the State Water Resources Control Board ("SWRCB"); and

WHEREAS, the SWRCB has reviewed the MRWPCA Joint Exercise of Powers Agreement ("JPA Agreement") and will require, as a condition of its loan to MRWPCA, an amendment to Paragraph 7.02 of the JPA Agreement to satisfy SWRCB that MRWPCA will not and cannot terminate the JPA Agreement until and unless all debt incurred by MRWPCA in connection with SWRCB financing has been fully amortized and retired or such debt is refinanced by MRCSD or other successor agency; and

WHEREAS, Paragraph 7.07 of the JPA Agreement provides that it may not be amended without consent of all existing members of the MRWPCA at the time of amendment; and

WHEREAS, the MRWPCA Board of Directors has requested all existing members to consent to the aforescribed amendment to Paragraph 7.02, and this City Council of the City of Pacific Grove desires to consent to said amendment as more particularly set out herein below.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pacific Grove, as follows:

1. That this City Council hereby consents to an amendment to Paragraph 7.02 of the Monterey Regional Water Pollution Control Agency Joint Exercise of Powers Agreement, to read as follows:

"7.02 Termination. This Agreement may be terminated and the Agency dissolved by a two-thirds (2/3) vote of the Board of Directors, ratified by two-thirds (2/3) of the member agencies; provided, however, that there shall be no termination and dissolution unless the following two conditions are satisfied:
(1) any and all revenue bond debt incurred by the Agency for the construction or acquisition of its regional sewerage facilities has been fully amortized and retired or such debt is refinanced

by the MRCSD or other successor entity, and (2) any and all debt incurred by the Agency in connection with any financing provided by the State Water Resources Control Board has been fully amortized and retired or such debt is refinanced by the MRCSD or other successor entity.”

2. That upon passage and adoption of this Resolution No. 16-046, the City Clerk shall transmit a certified copy of this resolution to the General Manager of MRWPCA.

3. That the Mayor or his designee is hereby authorized to sign any documents required to effect the amendment hereby consented to by the City of Pacific Grove.

PASSED AND ADOPTED by the City Council of the City of Pacific Grove at a meeting duly held on August 3, 2016 by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Huitt, Lucius, Miller and Peake.

NOES: None.

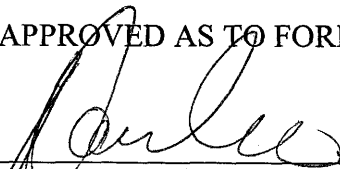
ABSENT: None.


BILL KAMPE, Mayor

ATTEST:


SANDRA KANDELL, City Clerk

APPROVED AS TO FORM


DAVID C. LAREDO, City Attorney