

RESOLUTION NO. 63-21

A RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND TO APPROVE AMENDMENT NO. 6 TO THE JOINT POWERS AGREEMENT WITH THE WEST COUNTY WASTEWATER DISTRICT FOR THE DESIGN AND CONSTRUCTION OF THE SODIUM BISULFITE FACILITIES LOCATED AT THE RICHMOND WASTEWATER TREATMENT PLANT

WHEREAS, on July 21, 2020, the Richmond City Council adopted Resolution 76-20 approving Amendment #5 to the West County Agency Joint Powers Agreement (WCA JPA); and

WHEREAS, the Fifth Amendment to the Joint Powers Agreement (JPA) was approved by the West County Wastewater (WCW) Board on July 21, 2020;

WHEREAS, the Fifth Amendment provided a mechanism to fund and contract for the Sodium Bisulfite Facilities Project (SBS Project) whereby the West County Agency (WCA) serves as the construction contract awarding body; and

WHEREAS, subsequent discussions among member entities' liaison staff have determined that it would be more efficient to have the City of Richmond (Richmond) serve as the construction contract awarding body; and

WHEREAS, staff recommends that the City Council approve the proposed Sixth Amendment to the JPA, in a form substantially similar to the attached Exhibit 1, to provide for the City of Richmond to serve as the Construction Contract Project Manager awarding body for the SBS Project; and

WHEREAS, in addition, staff recommends City Council support the approval for WCA to contract for design services and to continue to provide administrative oversight; and

WHEREAS, the specific purpose of Amendment No. 6 is to provide for an alternative contracting approach to the design, funding, construction, operation and maintenance of new shared Joint Facilities for dechlorination of effluent prior to its discharge through the joint outfall pipeline set forth in Amendment No. 5..

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

Section 1. The foregoing recitals are true and correct and this City Council hereby so finds and determines.

Section 2. The Water Resource Recovery Division of the Public Works Department approves Amendment No. 6 with West County Wastewater District regarding the Project Management for the Construction of the Sodium Bisulfite (SBS) Tank at the Richmond Wastewater Treatment Plant.

Section 3. This resolution shall take effect immediately upon its passage.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held June 1, 2021, by the following vote:

AYES: Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

THOMAS K. BUTT
Mayor

Approved as to form:

TERESA STRICKER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 63-21**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 1, 2021.



Pamela Christian, Clerk of the City of Richmond

CLERK'S CERTIFICATE

I, Pamela Christian, City Clerk of the City of Richmond, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of **Resolution No. 63-21** duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on the 1st of June 2021, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES: Councilmembers Bates, Jimenez, Martinez, McLaughlin,
Willis, Vice Mayor Johnson III, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

An agenda of said meeting was posted before said meeting at City Hall, 450 Civic Center Plaza in the City of Richmond, California, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

Such agenda was further posted and such meeting was conducted in accordance with and pursuant to Executive Order N-29-20, signed by the Governor of the State of California on March 17, 2020 and Executive Order N-35-20, signed by the Governor of the State of California on March 21, 2020.

I have carefully compared the foregoing with the original on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting.

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: June 8, 2021.



City Clerk of the City of Richmond

[SEAL]

AMENDMENT NO. 6 TO
JOINT EXERCISE OF POWERS AGREEMENT
OF THE WEST COUNTY AGENCY
BY AND AMONG WEST COUNTY WASTEWATER DISTRICT
AND THE CITY OF RICHMOND AND
RICHMOND MUNICIPAL SEWER DISTRICT

The parties to this Amendment No. 6 to the Joint Exercise of Powers Agreement do mutually agree and promise as follows:

1. Parties. The parties to this Amendment No. 6 to the Joint Exercise of Powers Agreement of the West County Agency, Contra Costa County, California, a joint exercise of powers agency (“**Agency**”) are the City of Richmond, Richmond Municipal Sewer District and West County Wastewater District.

2. Purpose. This Amendment No. 6 is being entered into to amend the amended and restated Joint Exercise of Powers Agreement which was entered into by and among the West County Wastewater District, formerly known as the West Contra Costa Sanitary District, and the City of Richmond and the Richmond Municipal Sewer District, on June 15, 1984 (the “**Original Agreement**”) and subsequently amended by Amendment No. 1 on April 2, 1990, Amendment No. 2 on November 23, 1992, Amendment No. 3 on December 21, 1993, Amendment No. 4 on July 2, 1996, and Amendment No. 5 on December 5, 2020. The Original Agreement and all amendments thereto will be collectively referred to as the “**JPA.**” The specific purpose of this Amendment No. 6 is to provide for an alternative contracting approach to the design, funding, construction, operation and maintenance of new shared Joint Facilities for dechlorination of effluent prior to its discharge through the joint outfall pipeline set forth in Amendment No. 5.

3. Amendment Provisions. The parties intend by this Amendment No. 6 to provide for the City of Richmond, not the Agency, to let the construction contract for the Joint Facilities described above, subject to the same cost-sharing ratios as described in Amendment No. 5. The parties therefore amend Exhibit A of Amendment No. 5 as follows:

Delete Section 2 in its entirety, and replace it with the following:

**2. Procurement of Construction Bids and Award of Contract.
Upon completion and approval of SBS Project design, Richmond will undertake on behalf of the Agency procurement of bids for construction of the SBS Project. The bids so obtained will be presented to the Agency Board of Directors for approval. Upon the Agency’s approval, the City of Richmond shall enter into the contract for construction of the SBS Project on behalf of the Agency.**

4. No Other Changes. Except as amended by this Amendment No. 6, the JPA will remain in full force and effect.

[Signatures appear on following page.]

The parties are signing this Amendment No. 6 to be effective as of the last signature date.

**City of Richmond,
A Municipal Corporation**

Richmond Municipal Sewer District

By: Laura Snideman
Its: City Manager
Date: _____

By:
Its:
Date: _____

Attest:

Approved as to Form:

City Clerk

City Attorney

West County Wastewater District

By: Lisa Malek-Zadeh
Its: General Manager
Date: _____

Attest:

Approved as to Form:

District Clerk

General Counsel