

RESOLUTION NO. 125-23

A RESOLUTION OF THE RICHMOND CITY COUNCIL OF THE CITY OF RICHMOND AND THE RICHMOND MUNICIPAL SEWER DISTRICT NO. 1, APPROVING THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT OF THE WEST COUNTY AGENCY

WHEREAS, the Board of Directors of the West County Wastewater District ("WCWD")/ City Council of the Richmond ("City") on behalf of the Richmond Municipal Sewer District ("RMSD")] continues to seek ways to provide efficient and effective wastewater service to its residents; and

WHEREAS, the City, RMSD, and WCWD are members of the West County Agency (the "Agency"), a Joint Powers Authority established pursuant to Government Code Section 6500 et. seq. and;

WHEREAS, the West County Agency Joint Powers Authority ("JPA") was formed by the West County Agency Joint Exercise of Powers Agreement (the "Agreement"), executed on February 15, 1977, and;

WHEREAS, the Agreement was amended on August 11, 1981; amended and restated on June 15, 1984; and further amended on April 2, 1990, November 23, 1992, December 21, 1993, July 2, 1996, December 5, 2020, and July 21, 2020, and;

WHEREAS, City/RMSD and WCWD staff and legal counsel have been involved in negotiations relating to the further amendment of the Agreement to clarify and update **provisions** of the Agreement, and;

WHEREAS, the City, RMSD, and WCWD intend that this Amended and Restated Joint Exercise of Powers Agreement of the West County Agency (the "Amended and Restated Agreement") will supplant and supersede all previous iterations of the Agreement, and;

WHEREAS, the Amended and Restated Agreement sets forth various rights and obligations of the Agency, its board of directors, and the JPA's member agencies, and addresses various governance, financial and administrative issues, and;

WHEREAS, the Board of Directors of the Agency approved the Amended and Restated Agreement on September 15, 2022, and;

WHEREAS, the City Council finds and determines that it is in the best interest of the RMSD to approve the Amended and Restated Agreement.

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

Section 1. The City Council hereby finds and determines that entering into the Amended and Restated Agreement does not constitute a "project" under the California Environmental Quality Act and therefore is not subject to review under that Act.

Section 2. The City Council hereby approves the Amended and Restated Joint Exercise of Power Agreement of the West County Agency.

Section 3. The City Council is authorized to execute the Amended and Restated Agreement on behalf of the Richmond Municipal Sewer District and the City of Richmond in a form approved by the City of Richmond's Legal Counsel, including any necessary non-substantive revisions.

Section 4. The City Manager, or designee, is authorized to take such additional actions as the City Manager determines to be necessary to implement the Amended and Restated Agreement consistent with this Resolution.

Section 5. This Resolution shall take effect immediately upon its passage.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held on November 7, 2023, by the following vote:

AYES: Councilmembers Bana, Robinson, Zepeda, Vice Mayor
McLaughlin, and Mayor Martinez.

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmembers Jimenez and Willis.

PAMELA CHRISTIAN

 CLERK OF THE CITY OF RICHMOND
 (SEAL)

Approved:

EDUARDO MARTINEZ
 Mayor

Approved as to form:

DAVE ALESHIRE
 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. 123-23**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 7, 2023.



 Pamela Christian, Clerk of the City of Richmond