

RESOLUTION NO. _____ (N.C.S.)

**A RESOLUTION APPROVING AND AMENDMENT TO PARAGRAPH 7.02
("TERMINATION") OF THE MONTEREY REGIONAL WATER POLLUTION
CONTROL AGENCY ("MRWPCA") JOINT EXERCISE OF POWERS AGREEMENT**

WHEREAS, the City of Salinas is a Member Agency of the Monterey Regional Water Pollution Control Agency (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 the Monterey Regional County Sanitation District (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 proposed amendment to Paragraph 7.02, and the City of Salinas desires to consent to said amendment as more particularly set out herein.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Council of the City of Salinas 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, a certified copy of this resolution

shall be transmitted to the General Manager of MRWPCA.

3. That the Mayor is hereby authorized to sign any documents required to effect the amendment hereby consented to by the City of Salinas.

PASSED AND ADPPROVED this 16th day of August 2016 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk