

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS
AGREEMENT OF THE EAST BAY DISCHARGERS AUTHORITY

WHEREAS, the East Bay Dischargers Authority (“EBDA”) is a Joint Powers Authority of which the City of Hayward is currently a member; and

WHEREAS, the JPA was formed in 1974 by a Joint Exercise of Powers Agreement (“JPA”) entered into by the City of Hayward, City of San Leandro, Oro Loma Sanitary District, Union Sanitary District, and Castro Valley Sanitary District; and

WHEREAS, EBDA provides a transport system and outfall to collect wastewater from its Member Agencies in the East Bay, treats the collected wastewater to remove chlorine and any associated toxicity, and provides sufficient dilution so that water discharged into the San Francisco Bay is protective of water quality; and

WHEREAS, the JPA has been amended and supplemented at various times since its adoption, most recently on February 15, 2007; and

WHEREAS, adoption of the fourth amendment extending the term of the JPA through June 30, 2020 will be considered coincident with consideration of this Amended and Restated Joint Exercise of Powers Agreement; and

WHEREAS, significant changes in the Amended and Restated Joint Exercise of Powers Agreement include reductions in capacity rights for several Member Agencies and reapportionment of certain costs accordingly, revision to the voting structure, and transfer of certain risks and liabilities among the member agencies; and

WHEREAS, the Authority’s Member Agencies have negotiated this Amended and Restated Joint Powers Agreement and each agency’s legal counsel has had the opportunity to review and revise the Amended and Restated Joint Exercise of Powers Agreement; and

WHEREAS, the Commission of the East Bay Dischargers Authority approved this Amended and Restated Joint Exercise of Powers Agreement on October 29, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward hereby approves the East Bay Dischargers Authority Amended and Restated Joint Exercise of Powers Agreement.

BE IT FURTHER RESOLVED, that the City Council of the City of Hayward hereby authorizes the City Manager to execute the East Bay Dischargers Authority Amended and Restated Joint Exercise of Powers Agreement for and on behalf of City of Hayward, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward