

ATTACHMENT D

M. Morrison
Deputy City Attorney

2013 MAY 16 AM 9:34

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A 10 YEAR TERM AGREEMENT TO PROVIDE SEWER SERVICE CHARGES, BILLING AND COLLECTION SERVICES BY AND BETWEEN EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD) AND THE CITY OF OAKLAND FROM JULY 1, 2013 TO JUNE 30, 2023

WHEREAS, on December 12, 1997, both the City and the District collectively entered into an Agreement for billing and collection of sewer charges; and

WHEREAS, on March 12, 2007, the City and District entered into Amendment No. 1 to extend the term of the original Agreement by three years from July 1, 2007 to July 1, 2010; and

WHEREAS, the Amendment No. 2 extended the term of the Agreement by three years from July 1, 2010 to June 30, 2013; and

WHEREAS, the average annual revenue from sewer service charges by EBMUD from fiscal year 2007-08 through fiscal year 2011-12 amounted to \$37,463,793; and

WHEREAS, the revenue is expected to increase to approximately \$48,000,000 in 2013-14 and approximately \$50,000,000 in 2014-15; and

WHEREAS, the revenues from Sewer Service Charge are deposited into the Sewer Service Charge Fund 3100, Engineering and Construction Administration Organization 30211 and Sewer Service Charge Account number 45113; and

WHEREAS, the new Agreement is estimated to cost the City approximately \$1.85 million annually in service charges, which will include the cost of the new Customer Information System (CIS) of \$14,800 per month; and

WHEREAS, the EBMUD will retain its current rate tier and calculation methodology for Sewer Service Charges, Billing and Collections; and

WHEREAS, the cost of billing and collections is budgeted within Sewer Service Charge Fund 3100, City Administrator's Office – Revenue Division's Organization 08411, and Accounting and Auditing, Account 54111; and

WHEREAS, should the City wish to terminate the agreement, the City is required to give a 90 day notice to EBMUD; now, therefore, be it

RESOLVED, that the City Administrator is hereby authorized to execute this Agreement to Sewer Service Charges, Billing and Collection Agreement of December 12, 1997, by and between East May Municipal Utility District (EBMUD) and the City of Oakland for a term of ten years from July 1, 2013 to June 30, 2023.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California