

Approved as to Form and Legality

FILE *Katherine Helen Byrd*  
OFFICE OF THE CITY CLERK Deputy City Attorney  
OAKLAND

OAKLAND CITY COUNCIL <sup>2010 MAY 13</sup> PM 3:26

Resolution No. 82795 C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AMENDMENT NO. 2 TO THE SEWER SERVICE CHARGES, BILLING AND COLLECTION AGREEMENT OF DECEMBER 12, 1997, BY AND BETWEEN EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD) AND THE CITY OF OAKLAND FOR A TERM OF THREE YEARS FROM JULY 1, 2010 TO JULY 1, 2013**

**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. 1 extended the term of the original agreement by three years from July 1, 2007 to July 1, 2010.

**WHEREAS**, the Amendment No. 2 will extend the term of the Agreement by three years from July 1, 2010 to July 1, 2013; and

**WHEREAS**, the average projected annual revenue will be \$44,105,000 with the new proposed sewer fee increase; and

**WHEREAS**, the new Agreement is estimated to cost the City an average of \$1 million annually in service charges under the current rate tier calculation methodology and this cost is budgeted within the Fund 3100 – Sewer Service Fund and;

**WHEREAS**, this Agreement would require EBMUD to provide the City twelve months prior notice to establish a new tier calculation for Sewer Service Charges, Billing and Collections; 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 Amendment No. 2 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 three years from July 1, 2010 to July 1, 2013.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 1 2010  
**PASSED BY THE FOLLOWING VOTE:**

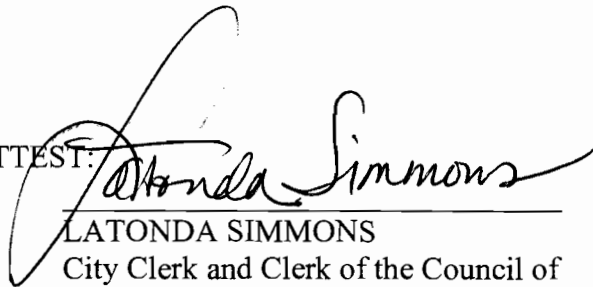
**AYES** - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID AND PRESIDENT BRUNNER 8

**NOES** - 0

**ABSENT** - 0

**ABSTENTION** - 0

ATTEST:



LATONDA SIMMONS

City Clerk and Clerk of the Council of  
the City of Oakland, California