

APPROVED AS TO FORM AND LEGALITY



Celso Ortiz (Apr 20, 2023 10:00 PDT)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A TEN-YEAR AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD) FOR SEWER SERVICE CHARGES, BILLING AND COLLECTION SERVICES, BY AND BETWEEN EBMUD AND THE CITY OF OAKLAND FROM JULY 1, 2023 TO JUNE 30, 2033; AND MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, on December 12, 1997, the City of Oakland (City) and the East Bay Municipal Utilities District (EBMUD) entered into an Agreement for billing and collection of sewer charges; and

WHEREAS, on March 12, 2007, the City and EBMUD 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, on July 1, 2010, the City and EBMUD executed Amendment No. 2 to extend the term of the Agreement by three years from July 1, 2010 to June 30, 2013; and

WHEREAS, on June 4, 2013, the City and EBMUD collectively entered into an Agreement for billing and collection of sewer charges for a period of 10 years (Resolution No. 84424 C.M.S.); and

WHEREAS, on December 15, 2020, the City executed Amendment No. 1 to the Agreement to implement the Customer Assistance Program to assist low-income homeowners (Resolution No. 88465 C.M.S.); 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 revenue is expected to increase to approximately \$73,000,000 in 2023-24 and approximately \$77,000,000 in 2024-25; and

WHEREAS, pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges), the California Environmental Quality Act (“CEQA”) does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of meeting operating expenses or obtaining funds for capital projects, necessary to maintain service within existing service areas; and

WHEREAS, should the City wish to terminate the agreement to pursue an alternative billing and collection arrangement, 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 May 2, 2023, by and between East Bay Municipal Utility District (EBMUD) and the City of Oakland for a term of ten years from July 1, 2023, to June 30, 2033.

FURTHER RESOLVED: That this action is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges) because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of meeting operating expenses or obtaining funds for capital projects, necessary to maintain service within existing service areas.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED

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