

RESOLUTION NO. 2015-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AUTHORIZING AND APPROVING THE SECOND AMENDMENT TO THE USER AGREEMENT BETWEEN THE CITY OF SANTA ROSA AND THE CITY OF ROHNERT PARK FOR RECYCLED WATER USE AND FINDING APPROVAL OF THE FIRST AMENDMENT TO THE USER AGREEMENT EXEMPT FROM CEQA

WHEREAS, the City of Santa Rosa (Santa Rosa) and the City of Rohnert Park (Rohnert Park), together with the cities of Cotati and Sebastopol and the South Park Sanitation District, are partners in the Santa Rosa Subregional Water Recycling System (Subregional System); and

WHEREAS, Santa Rosa, in its role as managing partner for the Subregional Systems, administers various user agreements with customers that use recycled water produced by the Subregional System; and

WHEREAS, Santa Rosa and Rohnert Park are parties to a User Agreement dated March 28, 1995 (User Agreement), which has been amended once to add the Rohnert Park Pump Sewer Lift Station to the list of approved recycled water users; and

WHEREAS, this User Agreement expires on March 28, 2015; and

WHEREAS, Santa Rosa and Rohnert Park are currently negotiating a new agreement related to recycled water; and

WHEREAS, Rohnert Park has requested and Santa Rosa has agreed to extend the term of the current User Agreement until June 30, 2015 to allow for completion of the negotiations over the new agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park that it makes the following determinations with regard to the second amendment to the User Agreement:

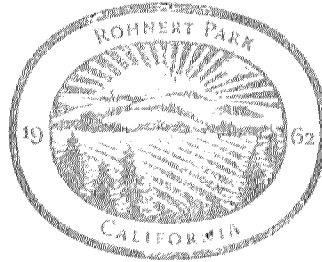
Section 1. The foregoing recitals are true and correct and material to this Resolution;

Section 2. The City Council finds and determines that entry into the second amendment to the User Agreement will continue the use of an existing, operating recycled water system and the City and the Subregional System have an existing agreement that permits the use of recycled water on some City-owned sites. Amending the User Agreement to extend the term is exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, Division 6, Chapter 3 (CEQA Guidelines) Section 15301 (b) because the agreement covers the operation, repair, maintenance, and permitting of a publicly-owned utility. The City Manager is authorized and directed to file a Notice of Exemption pursuant to the CEQA guidelines.

Section 3. The City Council does hereby authorize and approve the second amendment to the User Agreement by and between the City of Santa Rosa, a municipal corporation, and the City of Rohnert Park, a municipal corporation, for recycled water service.

Section 4. The City Manager is hereby authorized and directed to take all actions to effectuate this second amendment for and on behalf of the City of Rohnert Park, including execution, if necessary, in substantially similar form to the amendment attached hereto as Exhibit "A," subject to minor modifications by the City Manager or City Attorney.

DULY AND REGULARLY ADOPTED this 10th day of March, 2015.



CITY OF ROHNERT PARK

Amy O. Ahanotu, Mayor

ATTEST:

JoAnne M. Buerger, City Clerk

Attachment: Exhibit A

CALLINAN: AYE MACKENZIE: AYE STAFFORD: AYE BELFORTE: AYE AHANOTU: AYE
AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)

EXHIBIT A TO RESOLUTION
SECOND AMENDMENT
TO USER AGREEMENT
BETWEEN THE CITY OF SANTA ROSA AND THE CITY OF ROHNERT PARK

This second Amendment to User Agreement ("Agreement") dated March 28th, 1995, between the City of Santa Rosa ("City") and the City of Rohnert Park ("User") (collectively, the "Parties") is made as of this 10th day of March 2015.

RECITALS

- A. The Parties entered into a User Agreement on March 28, 1995 ("Agreement") related to the provision of recycled water from City to User, which has been amended once to include the addition of the Rohnert Park Sewer Lift Station to the list of approved users;
- B. The Parties now desire to amend the Agreement in order to briefly extend the term of the Agreement pending negotiation of a new Recycled Water Supply Agreement. The Parties expect that the proposed, new agreement will address numerous aspects of recycled water supply to User, including, but not limited to, the definition of a producer-distributor relationship between the City and User. This producer-distributor relationship is expected to include the transfer of Subregional Urban Reuse Customers to Rohnert Park, including all existing urban reuse customers within Rohnert Park City limits and Sonoma State University.

AMENDMENT

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. **TERM.**

Section 1 of Agreement is amended to read as follows:

"The term of this Amendment shall commence on the date of this Amendment and end on June 30, 2015, unless terminated earlier under Section 15 of the Agreement."

2. All other terms of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year above written.

CITY OF ROHNERT PARK

CITY OF SANTA ROSA, a charter city

By: _____

Name: Darrin Jenkins

Title: City Manager

By: _____

Name: David Guhin

Title: Director of Utilities

Date: _____

Per Resolution No. 2015 - _____ adopted by the Rohnert Park City Council at meeting of March _____, 2015.

ATTEST: _____

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____

City Attorney

By: _____

City Attorney's Office