



Boronda County Sanitation District

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Director Potter, seconded by Director Armenta and carried by those members present, the Board of Supervisors hereby:

Acting as Board of Directors of the Boronda County Sanitation District:

- a. Adopted Resolution 16-239 consenting to an amendment of paragraph 7.02 of the Monterey Regional Water Pollution Control Agency (MRWPCA) Joint Exercise of Powers Agreement (JEPA) to support a borrowing agreement with the State Water Resources Control Board; and
- b. Authorize the Chair to execute the First Amendment to the Monterey Regional Water Pollution Control Agency (MRWPCA) Joint Exercise of Powers Agreement (JEPA).

PASSED AND ADOPTED on this 13th day of September 2016, by the following vote, to wit:

AYES: Directors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on September 13, 2016.

Dated: September 20, 2016
File ID: RES 16-046

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.: 16-239)
 Acting as the Board of Directors of the Boronda County)
 Sanitation District adopt a Resolution to Amend paragraph)
 7.02 ("Termination") of the Monterey Regional Water)
 Pollution Control Agency ("MRWPCA") Joint Exercise of)
 Powers Agreement.....)

WHEREAS, The Boronda County Sanitation District is a Member Agency of the MRWPCA; and

WHEREAS, as part of the financing arrangement to support construction of certain components of the Pure Water Monterey Groundwater Replenishment Project ("Project"), MRWPCA will be entering into a borrowing agreement with the State Water Resources Control Board ("SWRCB"); and

WHEREAS, the SWRCB has reviewed the MRWPCA Joint Exercise of Powers Agreement ("JPA Agreement") and will require, as a condition of its loan to MRWPCA, an amendment to Paragraph 7.02 of the JPA Agreement to satisfy SWRCB that MRWPCA will not and cannot terminate the JPA Agreement until and unless all debt incurred by MRWPCA in connection with SWRCB financing has been fully amortized and retired or such debt is refinanced by the Monterey Regional County Sanitation District (MRCSD) or other successor agency; and

WHEREAS, Paragraph 7.07 of the JPA Agreement provides that it may not be amended without consent of all existing members of the MRWPCA at the time of amendment; and

WHEREAS, the MRWPCA Board of Directors has requested all existing members to consent to the aforescribed amendment to Paragraph 7.02, and this Boronda County Sanitation District desires to consent to said amendment as more particularly set out hereinbelow.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors acting as the Board of Directors of the Boronda County Sanitation District as follows:

1. That this Boronda County Sanitation District hereby consents to an amendment to Paragraph 7.02 of the Monterey Regional Water Pollution Control Agency Joint Exercise of Powers Agreement, to read as follows:

"7.02 Termination. This Agreement may be terminated and the Agency dissolved by a two-thirds (2/3) vote of the Board of Directors, ratified by two-thirds (2/3) of the member agencies; provided, however, that there shall be no termination and dissolution unless the following two conditions are satisfied: (1) any and all revenue bond debt incurred by the Agency for the construction or acquisition of its regional sewerage facilities has been fully amortized and retired or such debt is refinanced by the MRCSD or other successor entity, and (2) any and all debt incurred by the Agency in connection with any financing provided by the State Water Resources Control Board has been fully

amortized and retired or such debt is refinanced by the MRCSD or other successor entity.”

2. That upon passage and adoption of this Resolution No. 16-239, the Clerk of the Board of Supervisors of the County of Monterey shall transmit a certified copy of this resolution to the General Manager of MRWPCA.

3. That the Chair of the board is hereby authorized to sign any documents required to effect the amendment hereby consented to by Boronda County Sanitation District.

PASSED AND ADOPTED upon motion of Director Phillips, seconded by Director Salinas carried this 13th day of September 2016, by the following vote, to wit:

AYES: Directors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on September 13, 2016.

Dated: September 20, 2016
File Number: RES 16-046

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By 
Deputy

[MRWPCA/Replenishment/firstamendJPA072716]

**FIRST AMENDMENT TO
JOINT EXERCISE OF POWERS AGREEMENT
FOR THE
MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY**

THIS FIRST AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT FOR THE MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY ("First Amendment") is made and entered into by and between those public agencies that are "eligible public agencies" as defined at Paragraph 2.06 of said Joint Exercise of Powers Agreement ("JPA Agreement").

Recitals

- A. Eligible public agencies of the Monterey Regional Water Pollution Control Agency ("MRWPCA") as of the date of this First Amendment are:

The City of Del Rey Oaks
The City of Monterey
The City of Pacific Grove
The City of Salinas
The City of Sand City
The City of Seaside
The County of Monterey
The Castroville Community Services District
The Boronda County Sanitation District
The Marina Coast Water District.

- B. The MRWPCA Board of Directors has approved a revision to Paragraph 7.02 ("Termination") of the JPA Agreement to add a condition to termination of the JPA Agreement, that any debt incurred by MRWPCA in connection with State Water Resources Control Board financing shall be fully amortized and retired or refinanced.
- C. Paragraph 7.07 ("Amendment") of the JPA Agreement provides that it may not be amended without the consent of all existing members of the MRWPCA at the time of amendment.
- D. All existing eligible public agency members listed in the first Recital above have consented to the proposed amendment to Paragraph 7.02 described above.

Agreement to First Amendment

1. All existing eligible public agencies of MRWPCA, having consented to the amendment of Paragraph 7.02 described hereinabove, hereby agree that said Paragraph of the JPA Agreement be amended to read in full as follows:

7.02 Termination. This Agreement may be terminated and the Agency dissolved by a two-thirds (2/3) vote of the Board of Directors, ratified by two-thirds (2/3) of the member agencies; provided, however, that there shall be no termination and dissolution unless the following two conditions are satisfied: (1) any and all revenue bond debt incurred by the Agency for the construction or acquisition of its regional sewerage facilities has been fully amortized and retired or such debt is refinanced by the MRCSD or other successor entity, and (2) any and all debt incurred by the Agency in connection with any financing provided by the State Water Resources Control Board has been fully amortized and retired or such debt is refinanced by the MRCSD or other

successor agency.

2. Except as hereby amended, all terms, conditions, rights, responsibilities, and other provisions of the JPA Agreement shall remain as written and in full force and effect.

IN WITNESS WHEREOF, the eligible public agencies party hereto, by and through their respective duly authorized representatives, have executed this First Amendment to the Joint Exercise of Powers Agreement for the Monterey Regional Water Pollution Control Agency on the date so indicated.

THE CITY OF DEL REY OAKS

By_____

Its_____

Dated_____

ATTEST:

By_____

Its_____

THE CITY OF MONTEREY

By *[Signature]*

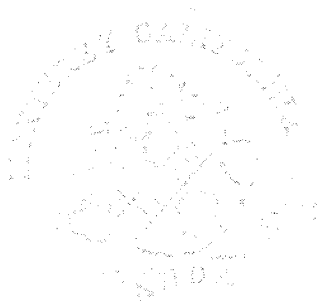
Its Mayor

Dated Aug 17, 2016

ATTEST:

By *[Signature]*

Its Senior Assistant City Clerk



THE CITY OF PACIFIC GROVE

By_____

Its_____

Dated_____

ATTEST:

By_____

Its_____

THE CITY OF SALINAS

By _____

Its _____

Dated _____

ATTEST:

By _____

Its _____

THE CITY OF SAND CITY

By Dick K. Rudolph

Its Mayor

Dated 17 August 2016

ATTEST:

By Linda K. Scholink

Its Director of Administrative Services

THE CITY OF SEASIDE

By _____

Its _____

Dated _____

ATTEST:

By _____

Its _____

THE COUNTY OF MONTEREY

By

Ann Barker

Its

Chair, Board of Supervisors

Dated

9-20-16

ATTEST:

By

Denise Hancock

Its

Deputy Clerk

THE CASTROVILLE COMMUNITY SERVICES DISTRICT

By _____

Its _____

Dated _____

ATTEST:

By _____

Its _____

THE BORONDA COUNTY SANITATION DISTRICT

By Jane Barker

Its Chair

Dated 9-14-16

ATTEST:

By Demie Hancock

Its Deputy Clerk

THE MARINA COAST WATER DISTRICT

By 

Its Board President

Dated August 16, 2016

ATTEST:

By 

Its General Manager