

April 17, 2024

**ITEM TITLE: RESOLUTION NO. 2024-024 APPROVING THE FOURTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT FOR THE METRO WASTEWATER JOINT POWERS AUTHORITY TO AMEND SECTION 3.02 AND SECTION 3.05 OF THE AGREEMENT. (0830-05)**

**ORIGINATING DEPARTMENT:**

Public Works

**EXECUTIVE SUMMARY:**

Imperial Beach is one of twelve participating agencies that convey wastewater to the Metro Wastewater System (Metro System) for treatment. The 1998 Regional Wastewater Disposal Agreement between the City of San Diego and the participating agencies governs the planning, capacity rights, and cost allocation of wastewater facilities in the Metro System. The Agreement placed restrictions related to staffing the Treasurer, Auditor, and Legal Advisor positions serving the Metro Wastewater Joint Powers Authority (JPA). The proposed amendment would permit these positions to be staffed by any person who is duly appointed by the JPA Board. This resolution provides direction to the City's JPA Representative to vote in support of the amended and restated Regional Wastewater Disposal Agreement and authorizes the Mayor to sign the agreement (Attachment 2).

**RECOMMENDATION:**

Adopt Resolution No. 2024-024 approving the fourth amendment to the Joint Exercise of Powers Agreement for the Metro Wastewater Joint Powers Authority to Amend Section 3.02 and Section 3.05 of the Agreement.

**OPTIONS:**

- Adopt Resolution No. 2024-024 providing direction to JPA Representative to vote in support of the Amended and Restated Regional Wastewater Disposal Agreement.
- Request additional information and an additional report.

**BACKGROUND/ANALYSIS:**

Coronado, Del Mar, El Cajon, Imperial Beach, La Mesa, Lemon Grove Sanitation District, Poway, Padre Dam Municipal Water District, County of San Diego (on behalf of Winter Gardens Sewer Maintenance District), Lakeside/Alpine Sanitation District, and the Spring Valley Sanitation District), Otay Water District, National City and Chula Vista are member agencies in a Joint Powers Authority (JPA) with the purpose of taking responsibility, actions, and decisions pertaining to the Regional Wastewater Disposal Agreement. Article VIII, Section 8.05 of the Agreement allows for amendments to the agreement.

The proposed fourth amendment to the Agreement would change language related to the Treasurer, Auditor, and Legal Advisor to the JPA. Currently, these positions must be filled by staff of, or a consultant to, one of the member agencies. The fourth amendment to the Agreement would permit these positions to be staffed by any person who is duly appointed by the JPA Board and permitted to serve pursuant to Government Code Sections 6505.5 and 6505.6.

Allowing outside persons to serve in these above-referenced positions would allow for greater flexibility in staffing and contracting for work products and permit the JPA to freely select the best qualified persons. The previous language for Section 3.05 Legal Advisor had the potential to create a conflict of interest. Additionally, obtaining qualified pro-bono JPA member agency staff time to allocate to these positions has become increasingly difficult.

Increased costs would be proportionally shared among the member agencies per the Agreement. Typically, the level of work involved for these positions is a few hours a week. The anticipated cost increase is dependent on the level of work products contracted in a given year, and is subject to JPA Board approval, of which City of Imperial Beach is a member agency. Funds are paid from City's Sewer Enterprise Fund for Wastewater JPA cost share items.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

There is no immediate fiscal impact to the City and the future costs are to be determined. Increased costs would be proportionally shared among the JPA's member agencies and the City's share would be paid from the Sewer Enterprise Fund.

**ATTACHMENTS:**

ATT 1 – Resolution No. 2024-024

ATT 2 – Metro Wastewater Joint Powers Agreement Fourth Amendment