

RESOLUTION NO. 74042

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH THE SANTA CLARA VALLEY WATER DISTRICT FOR THE PAYMENT TO THE CITY OF \$115 PER ACRE FOOT OF RECYCLED WATER USED WITHIN AREAS SERVED BY THE SOUTH BAY WATER RECYCLING SYSTEM, FOR A TERM OF JULY 1, 2007 THROUGH JULY 15, 2008, OR UNTIL SUPERCEDED BY A LONG TERM AGREEMENT APPROVED BY THE PARTIES ON OPERATION AND EXPANSION OF THE SOUTH BAY WATER RECYCLING SYSTEM WHICHEVER FIRST OCCURS

WHEREAS, on April 7, 1998, the City of San José and the Santa Clara Valley Water District entered into an agreement entitled "South Bay Water Recycling Reimbursement Agreement for Development and Utilization of Nonpotable Recycled Water Between the City of San Jose and Santa Clara Valley Water District ("Reimbursement Agreement"), providing for payment by the District to the City of \$115 per acre feet of recycled water used within areas served by the South Bay Water Recycling System; and

WHEREAS, WHEREAS, on July 15, 2003 and September 20, 2005, the City and the District executed agreements to continue and extend the term of the Reimbursement Agreement through June 30, 2007; and

WHEREAS, the City and District have been engaged in discussion regarding long term options for operation and expansion of the South Bay Water Recycling System with the goal of negotiating a new long term agreement for operation and expansion of the System; and

WHEREAS, he City desires to negotiate and execute an agreement a new Reimbursement Agreement with the District, providing for payment by the

District to the City of \$115 per acre feet of recycled water use with a term of July 1, 2007 through July 30, 2008, or superseded by a long term agreement approved by the parties on operation and expansion of the South Bay Water Recycling System, whichever first occurs.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Manager is hereby authorized to negotiate and execute an agreement with the Santa Clara Valley Water District providing for payment by the District to the City of \$115 per acre feet of recycled water use with a term of July 1, 2007 through July 30, 2008, or superseded by a long term agreement approved by the parties on operation and expansion of the South Bay Water Recycling System, whichever first occurs.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

ADOPTED this 2nd day of October, 2007, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, CORTESE, LICCARDO,
NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED

NOES: NONE

ABSENT: CHIRCO

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk