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Department of Utilities  
Office of the Director

CITY OF SACRAMENTO  
CALIFORNIA

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November 1, 2001

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: 2<sup>nd</sup> EXTENSION OF MEMORANDUM OF AGREEMENT WITH THE EAST BAY MUNICIPAL UTILITY DISTRICT AND COUNTY OF SACRAMENTO**

**LOCATION AND COUNCIL DISTRICT:** Districts 7 and 8

**RECOMMENDATION:**

Staff recommends that the City Council approve the attached resolution to extend, for the second time, the Memorandum of Agreement with the East Bay Municipal Utility District (EBMUD) and County of Sacramento relative to a joint water supply project at Freeport.

**FOR THE COUNCIL MEETING OF:** November 20, 2001

**SUMMARY:**

Technical work associated with a Freeport Regional Water Project has not been completed and staff would like to extend the Memorandum of Agreement with the East Bay Municipal Utility District and the County of Sacramento a second time to February 28, 2002.

**COMMITTEE ACTION:** None

**BACKGROUND INFORMATION:**

On January 16, 2001, City Council approved a Memorandum of Agreement (MOA) with the County of Sacramento and EBMUD to study the feasibility of a joint water project near the



CITY OF SACRAMENTO  
DEPARTMENT  
OF UTILITIES

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City Council  
November 1, 2001  
2<sup>nd</sup> Extention of MOA with EBMUD and County of Sacramento

town of Freeport. The work associated with this effort focuses on the diversion of water from the Sacramento River from a common intake at Freeport, conveyance alternatives for pipelines, and a proposed treatment plant for City and County use. The technical studies associated with this effort are behind schedule and will not be completed until February 2002.

The MOA signed on January 30, 2001, was due to expire on July 31, 2001 but was extended to October 29, 2001. Subsequent to this first extension, a significant project element, a large water treatment plant near Freeport, has been deleted. City staff has now determined that it would not be in the City's best interest to continue to participate financially in this joint project. In order to clarify new roles of the participants and finish the technical work, a second extension of time to February 28, 2002 is required.

### FINANCIAL CONSIDERATIONS

There is no financial impact associated with this report.

### ENVIRONMENTAL DETERMINATION

This report is for information only.

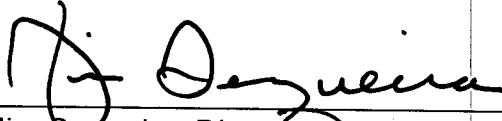
### POLICY DETERMINATION

City Council has previously approved discussions and negotiations with EBMUD and the County of Sacramento in an effort to develop an acceptable water supply project. A *Memorandum of Agreement* between the parties was approved on January 16, 2001.

### ESBD CONSIDERATIONS

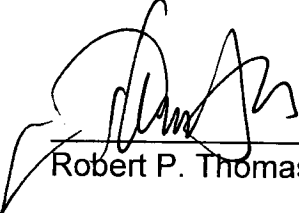
There are no ESBD considerations as this report is for information only.

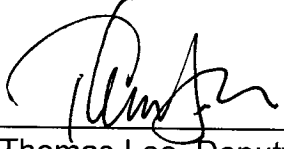
Respectfully submitted,

  
\_\_\_\_\_  
Jim Sequeira, Director of Utilities

APPROVED:

RECOMMEND APPROVAL:

  
\_\_\_\_\_  
Robert P. Thomas, City Manager

  
\_\_\_\_\_  
Thomas Lee, Deputy City Manager

**AMENDMENT EXTENDING MEMORANDUM OF AGREEMENT**

THIS AMENDMENT is entered into this \_\_\_\_\_ day of November 2001, among the City of Sacramento, the Sacramento County Water Agency, the County of Sacramento, the East Bay Municipal Utility District, and the United States Bureau of Reclamation ("the parties").

WHEREAS, on January 30, 2001, the parties executed a Memorandum of Agreement ("MOA") to pursue development of the Freeport Regional Diversion Project; and

WHEREAS, the parties have made reasonable progress in furtherance of the goals of said MOA and the MOA Amendment entered into on July 31, 2001, and it is the intention of the parties to further extend the term of the MOA.

NOW, THEREFORE, THE PARTIES DO AGREE AS FOLLOWS:

The term of the MOA, as specified in paragraph 14, thereof, is extended to and including February 28, 2002. In all other respects, except as noted above, the MOA shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto executive this amendment.

CITY OF SACRAMENTO

By: \_\_\_\_\_

SACRAMENTO COUNTY WATER AGENCY

By: \_\_\_\_\_

COUNTY OF SACRAMENTO

By: \_\_\_\_\_

EAST BAY MUNICIPAL UTILITY DISTRICT

By: \_\_\_\_\_

UNITED STATES BUREAU OF RECLAMATION

By: \_\_\_\_\_

**APPROVED**  
NOV 20 2001  
OFFICE OF THE  
CITY CLERK

**RESOLUTION NO. 2001-757**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**A RESOLUTION APPROVING EXTENSION OF THE TERM  
OF THE MEMORANDUM OF AGREEMENT CONCERNING  
THE FREEPORT REGIONAL DIVERSION PROJECT**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO that:**

The City Manager is authorized to execute a second amendment to the Memorandum of Agreement concerning the proposed Freeport Regional Diversion Project dated January 30, 2001 (the "MOA"), between the City, the Sacramento County Water Agency, the County of Sacramento, the East Bay Municipal Utility District and the United States Bureau of Reclamation, to extend the term of the MOA to February 28, 2002.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
CITY CLERK

**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_