

## RESOLUTION NO 2129

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD  
 AUTHORIZING THE EXECUTION OF A MEMORANDUM OF  
 UNDERSTANDING BETWEEN THE CITY OF SOLEDAD  
 AND THE COUNTY OF MONTEREY TO IMPLEMENT  
 A WASTEWATER RECLAMATION PROGRAM


BE IT RESOLVED by the City Council of the City of Soledad that Joe O. Ledesma, Mayor, is hereby authorized to execute a memorandum of understanding (MOU), in the form hereto attached, between the City of Soledad and the County of Monterey to implement a wastewater reclamation program.

PASSED AND ADOPTED at a regular meeting of the City Council duly held on the 13th day of January, 1992 by the following vote.

AYES, and in favor thereof, Councilmembers:	Fabian Barrera, Ben Jimenez, Jr , Fred Ledesma, Mayor Pro Tem John Holguin, Mayor Joe Ledesma
NOES, Councilmembers	None
ABSENT, Councilmembers	None

  
 MAYOR OF THE CITY OF SOLEDAD

ATTEST.

  
 CITY CLERK OF THE CITY OF SOLEDAD

MEMORANDUM OF UNDERSTANDING BETWEEN  
THE CITY OF SOLEDAD AND  
THE COUNTY OF MONTEREY  
TO IMPLEMENT A WASTEWATER RECLAMATION PROGRAM

This is a memorandum of understanding between the City of Soledad, a municipal corporation, hereinafter referred to as "City," and the County of Monterey, a political subdivision of the state of California, hereinafter referred to as "County " Its date for reference purposes is December \_\_\_, 1991

RECITALS

This memorandum of understanding is made with respect to the following facts

A City presently owns and operates a wastewater treatment plant and related facilities for the treatment and disposal of sewage originating within the City's borders. The present capacity of the plant is .65 mgd City is in the process of expanding the capacity to 1 02 mgd

B In connection with its expansion project, City applied to LAFCO to annex to City the land on which the expansion of the treatment facilities will be placed. On July 23, 1991, the Monterey County Local Agency Formation Commission ("LAFCO") adopted its Resolution No. 91-23, in which LAFCO approved the "Soledad Wastewater Treatment Plant Reorganization," involving the annexation of 287 +/- acres to the City and the detachment of that acreage from the Mission Soledad Rural Fire Protection District and from the Gabilan-Santa Lucia Resource Conservation District

C. One of the conditions included in LAFCO Resolution No 91-23 requires the execution of a memorandum of understanding between the City and the County to implement a reclamation program in the reorganization area.

D. The parties hereto desire to fulfill this condition, and for that reason, enter into this memorandum of understanding.

COVENANTS

NOW, THEREFORE, the parties agree as follows.

1 Commitment to wastewater reclamation. City will implement a wastewater reclamation program in accordance with the terms of this MOU

(SOLEDAD.MOU - 12/5/91)

2. Definitions. The following terms are defined for use in this memorandum of understanding

(a) Average daily dry weather flow. "Average daily dry weather flow" means the average daily flow of wastewater during dry weather, calculated in accord with the formulas and procedures established by the Regional Water Quality Control Board.

(b) EH. "EH" means County's Division of Environmental health.

(c) Mgd. "Mgd" means million gallons per day.

(d) Reclamation facilities. "Reclamation facilities" means any facilities that treat and dispose of wastewater in an environmentally safe way so as to provide for the beneficial reuse of the wastewater or its percolation into the groundwater basin

3. Reclamation facilities site. City shall reserve all of the real property described in Exhibit A for use in connection with City's wastewater reclamation program. If the real property described in Exhibit A is found not to be suitable for this purpose, City shall make other property available for this purpose, and the property described in Exhibit A will revert to agricultural use. The replacement property shall have an area large enough to accommodate all of the treatment and disposal capacity that would have been accommodated on the land described in Exhibit A

4. Initiation of design. As soon as the average daily dry weather flow in City's wastewater treatment facilities reaches a total of 0.75 mgd, City will initiate the design of reclamation facilities having sufficient capacity to treat and dispose of all the City's wastewater.

5. Submittal of conceptual plans to EH. Not later than 180 days after first reaching the average daily dry weather flow of 0.75mgd, City shall submit conceptual plans for wastewater reclamation to EH for review and approval.

6. Approval of conceptual plans. EH will base its approval of City's conceptual plans on consistency with all local, state, and federal discharge regulations and with the applicable County policies. EH will complete its review of City's plans not later than 60 days after the plans are received by EH, unless City agrees to an extension.

7. Completion of final design. Following EH's approval of the conceptual plans, City will diligently pursue the design work for the wastewater reclamation facility until the final design is completed

8 Construction contingent on approval of final design. Upon completion of the final design of the wastewater reclamation facilities and upon completion of City's plans for expansion of the wastewater treatment facilities beyond 1.02 mgd, City shall submit the proposals to EH for approval. If the two proposals are submitted separately, the reclamation facilities proposal shall be submitted first. City will not proceed with construction work on the reclamation facilities until EH approves the final design for that proposal. City will not proceed with construction work on the expansion plan until EH approves both proposals in their final form. EH will base its approval on consistency with all local, state, and federal discharge regulations and with the applicable County regulations and policies then in effect. EH will complete its review of City's plans and final design not later than 60 days after their receipt by EH, unless City agrees to an extension, or unless by law EH is allowed a longer time period.

9 Further assistance by EH. After EH approves the final design for the reclamation facilities, EH will assist City in obtaining all required permits, licenses, and approvals from all other bodies, boards and agencies. City will diligently and in good faith seek to obtain all necessary permits for the facilities.

10 Construction of reclamation facilities. After receipt of all necessary permits, City will construct the approved reclamation facilities in a timely manner, so that the reclamation facilities will be placed in service at or before the time the City's expansion of capacity beyond 1.02 mgd is placed in service.

IN WITNESS WHEREOF, the parties execute this memorandum of understanding as follows:

Dated \_\_\_\_\_

CITY OF SOLEDAD

Joe A. Ledema  
Mayor

Dated \_\_\_\_\_

COUNTY OF MONTEREY

\_\_\_\_\_  
Chairman of the Board of Supervisors

Approved as to form:

William K. Reilly  
Dep. County Counsel

(SOLEDAD MOU - 12/5/91)

EXHIBIT A  
DESCRIPTION OF 152 374 ACRE RECLAMATION AREA  
CITY OF SOLEDAD WWTP EXPANSION

BEING a portion of Subdivision B of Lot 3, as shown on Map entitled "Map of Partition of Lots 2 and 3, San Vicente Rancho", recorded in Volume 1 of Surveys at page 102 in the Office of the Recorder of the County of Monterey, State of California, and being more particularly described as follows.

BEGINNING at the southerly common corner to Subdivisions A and B of Lot 3 in the southeasterly line of the Rancho San Vicente at corner designated SV-22, as shown on said Map, being also the southeasterly corner of that certain Parcel of Land conveyed to John A Maring and Helen M Maring, husband and wife, by deed recorded May 21, 1967 in Reel 506 at page 1044, Official Records of Monterey County, and running thence N 63°16'51"W 3928 12 feet to the most westerly line of said Parcel conveyed to Maring, thence along the northwesterly line of said Parcel N 11°15'16"E 1195 25 feet, more or less, to the most westerly corner of that certain 337 302 Acre Parcel of Land described as an exception to Unit 2 in the Grant to Raymond Gularte and Lillian Gularte, as Trustees of the RAYMOND GULARTE AND LILLIAN A GULARTE TRUST established under agreement dated May 14, 1982, and recorded July 13, 1988 in Reel 2250, beginning at page 605, Official Records of Monterey County, thence along the southerly line of said 337 302 acre parcel N 83°25'08"E 260 79 feet, N 87°07'47"E 427 45 feet, S 87°26'44"E 484 43 feet, S 76°59'07"E 951 49 feet, S 62°34'01"E 378 39 feet, S 70°58'11"E 599 03 feet, S 49°08'38"E 199 70 feet and S 56°54'48"E 186 16 feet to an angle point in said line, thence continuing on the prolongation of the last course S 56°54'48"E 103 82 feet to an intersection with the easterly line of said Parcel conveyed to Maring, thence along said easterly line S 3°12'56"E. 2098 56 feet, more or less, to the point of beginning, and also

CONTAINING THEREIN 152 374 acres, more or less

Description calculated and compiled from documents of record in July 1991, by Hanna & Brunetti, Civil Engineers and Surveyors, Gilroy, California