

## **RESOLUTION NO. 17-**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND ADMINISTER AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE SANTA CLARA VALLEY WATER DISTRICT FOR A LANDSCAPE CONVERSION REBATE PROGRAM AND APPROPRIATE AN ADDITIONAL \$5,000 FOR GRAYWATER LAUNDRY TO LANDSCAPE

WHEREAS, the City of Cupertino, a municipal corporation and general law city duly organized and existing under and pursuant to the laws of the State of California (City) is authorized to enter contracts on its behalf and for the benefit of the City; and

WHEREAS, the reasons supporting the City to enter into the Memorandum of Understanding with the Santa Clara Valley Water District for Conservation Programs is set forth in detail in the staff reports and hearings for June 2, 2015 and June 16, 2015 Council meetings and are incorporated herein by reference; and

WHEREAS, the City entered into a Memorandum of Understanding with the Santa Clara Valley Water District for a Landscape Conversion Program in FY16/17 for an amount not to exceed \$115,000; and

WHEREAS, the City and the Santa Clara Valley Water District desire to amend the FY16/17 MOU to extend the term and to add a Graywater Laundry to Landscape Program; and

WHEREAS, the consideration by the City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and Council provided members of the public an opportunity to comment and be heard and considered all testimony and evidence in connection with the adoption of this Resolution; and

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA"), the City determines that the provisions of this Resolution are exempt as a project intended to protect the environment and natural resources (14 Cal.Reg. 15307, 15308); and

WHEREAS, the City Council determines that the adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine, and resolve that the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve that:

- a. The Amendment of the Memorandum of Understanding with the Santa Clara Valley Water District (MOU) for water conservation programs in substantially in the form attached hereto as Exhibit "A" is approved;
- b. The City Manager is delegated the authority and is authorized to negotiate and execute the amendment to the MOU in substantially the form as attached Exhibit "A", provided that the funds do not exceed one hundred twenty thousand dollars (\$120,000.00).

Section 3: Effective date: This Resolution is effective immediately upon adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 2<sup>nd</sup> day of May, 2017, by the following vote:

Vote

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

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Grace Schmidt, City Clerk

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Savita Vaidhyanathan, Mayor

**FIRST AMENDMENT TO  
MEMORANDUM OF UNDERSTANDING  
#A4008s BETWEEN THE  
SANTA CLARA VALLEY WATER DISTRICT  
AND THE CITY OF CUPERTINO  
FOR A LANDSCAPE CONVERSION REBATE PROGRAM**

This First Amendment ("First Amendment") to Memorandum of Understanding A4008s ("MOU") between the Santa Clara Valley Water District ("WATER DISTRICT") and the City of Cupertino ("CUPERTINO"), originally entered into on or about July 1, 2016, is effective as of May , 2017 ("First Amendment Effective Date").

**RECITALS**

**WHEREAS**, Under the terms of the MOU, CUPERTINO agreed to supplement WATER DISTRICT's Landscape Conversion Program rebates granted to persons residing in the City of Cupertino ("MOU"); and

**WHEREAS**, In addition to supplementing the WATER DISTRICT's Landscape Conversion Program rebates, CUPERTINO also desires to supplement the WATER DISTRICT's Graywater Laundry to Landscape rebates granted to persons residing in the City of Cupertino; and

**WHEREAS**, CUPERTINO and WATER DISTRICT desire to extend the term of the MOU from December 31, 2017 to the earlier of June 30, 2018, or when funds committed by CUPERTINO under this MOU are expended; and

**WHEREAS**, CUPERTINO and WATER DISTRICT desire that CUPERTINO increase its payment obligation under the MOU from \$115,000 to \$120,000.

**NOW, THEREFORE, the parties agree to amend the MOU as follows:**

1. Delete the title of the MOU and replace with the following title:

**"Memorandum of Understanding between the Santa Clara Valley Water District and the City of Cupertino for Water Conservation Landscape Conversion and Graywater Laundry to Landscape Programs"**

2. In the MOU, delete the first paragraph, and replace with the following:

"This MEMORANDUM OF UNDERSTANDING (MOU) between the Santa Clara Valley Water District, an Independent special district created by the California Legislature (hereinafter referred to as "WATER DISTRICT") and the City of Cupertino (hereinafter referred to as "CUPERTINO") is effective as of July 1, 2016 and sets forth the respective roles of the WATER DISTRICT and CUPERTINO in regard to the WATER DISTRICT'S LANDSCAPE CONVERSION REBATE PROGRAM AND GRAYWATER LAUNDRY REBATE PROGRAM (hereinafter collectively referred to as the "PROGRAMS")."

3. Delete all of the Recitals in the MOU, replace them with the following Recitals:

"WHEREAS, the PROGRAMS involve providing Water Conservation Landscape Conversion Rebates and Graywater Laundry to Landscape Rebates for properties located within CUPERTINO's jurisdiction; and

WHEREAS, the PROGRAMS are appropriate measures for the Best Management Practices addressed in the California Urban Water Conservation Council's MOU regarding Urban Water Conservation in California; and

Exhibit A

WHEREAS, the WATER DISTRICT has established the PROGRAMS, in part, to provide financial incentive to remove existing turf lawns and to reuse graywater from clothes washers on landscape; and

WHEREAS, CUPERTINO wishes to participate in the PROGRAMS by providing additional financial incentives to Cupertino residents receiving grants from the PROGRAMS.”

4. In the MOU, under Section 1, a), c) and e), replace each reference to “PROGRAM” with “PROGRAMS”.
5. In the MOU, under Section 2, a) and c), replace each reference to “PROGRAM” with “PROGRAMS”.
6. In the MOU, under Section 2, b), add an additional bullet which reads:
  - Up to \$200 for each completed, qualifying Graywater Laundry to Landscape system installed and eligible for a WATER DISTRICT rebate per the GRAYWATER LAUNDRY REBATE PROGRAM.
7. In the MOU, Section 2, c), delete the sentence in its entirety and replace with “CUPERTINO’s obligation to pay for the PROGRAMS is capped at a total maximum of \$120,000.”
8. In the MOU, Section 5, delete the first sentence in its entirety and replace it with, “The Term of the MOU commences on July 1, 2016 and expires on June 30, 2018, or until funds are depleted, whichever occurs first.”

All of the terms and conditions of the MOU not modified by this First Amendment shall remain in full force and effect.

**IN WITNESS THE EXECUTION HEREOF** the parties agree that this First Amendment shall be effective as of the First Amendment Effective Date set forth above.

**SANTA CLARA VALLEY WATER DISTRICT**  
**an independent special district created by the California Legislature**

Approved as to form:

By: \_\_\_\_\_  
Anthony Fulcher  
Senior Assistant District Counsel

By: \_\_\_\_\_  
Norma J. Camacho  
Interim Chief Executive Officer

**CITY OF CUPERTINO**

Approved as to form:

By: \_\_\_\_\_  
Randolph Hom  
City Attorney  
City of Cupertino

By: \_\_\_\_\_  
David Brandt  
City Manager  
City of Cupertino