

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE 2015 JOINT POWERS AGREEMENT FOR WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL FOR COUNTY SERVICE AREA 12 IN THE MISSION CANYON AREA, BETWEEN THE COUNTY OF SANTA BARBARA AND THE CITY OF SANTA BARBARA

WHEREAS, there is an unincorporated area of the County of Santa Barbara (the "County") north of and adjacent to the City of Santa Barbara (the "City"), commonly known as the "Mission Canyon Area." County Service Area 12 was created by the County per Resolution 84-72 to provide public sewer service and septic tank maintenance to a portion in the Mission Canyon Area;

WHEREAS, existing septic systems in the Mission Canyon Area have historically had a high incidence of failure and thereby have the potential to endanger health, safety, life and property through pollution of ground and surface waters;

WHEREAS, an existing Joint Powers Agreement between the City and the County was approved for execution by the Santa Barbara City Council at a meeting on September 18, 1984, and was executed on October 2, 1984 to establish powers, prescribe responsibilities, and set conditions for conveying wastewater and septic tank pumpage from County Service Area 12 to City's collection system for further treatment and disposal;

WHEREAS, City has available capacity in the City's wastewater collection system, treatment plant, and ocean outfall effluent disposal facility to accept the existing and contemplated wastewater flows and septic tank pumpage from County Service Area 12 as described in the Mission Canyon Community Plan;

WHEREAS, it is not the intent of City or County that the Mission Canyon Area, including County Service Area 12, be annexed to City as a condition of City providing wastewater services;

WHEREAS, Sections 55080 through 55093 inclusive of the California Government Code authorize agreements between two local agencies for the joint construction and maintenance of sanitation facilities upon adoption of resolutions by the governing bodies of each local agency, that such joint construction and maintenance is in the interest or advantage of both local agencies;

WHEREAS, Sections 55110 through 55115 inclusive of the California Government Code authorize agreements between local agencies for joint use of sewage treatment plants and other sewage disposal works, and authorize bonds to pay for purchasing capacity in the plant or works or a for right to use them;

WHEREAS, Sections 6500 through 6516 of the Government Code authorize public agencies, which include both cities and counties, to enter into agreements to jointly exercise powers common to each agency; and Section 6502 further provides that it shall not be necessary that any power common to the contracting parties be exercisable by each such contracting power, with respect to the geographical area in which such power is to be jointly exercised; and

WHEREAS, the parties hereto each have powers to regulate and control land use and development and to protect the public health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. The 2015 Joint Powers Agreement for Wastewater Collection, Treatment and Disposal for County Service Area 12 in the Mission Canyon Area between the County of Santa Barbara and the City of Santa Barbara is hereby approved. The City Administrator or designee is authorized to execute said Agreement and other documents necessary to give effect to such Agreement.

SECTION 2. The 2015 Joint Powers Agreement for Wastewater Collection, Treatment and Disposal for County Service Area 12 in the Mission Canyon Area between the County of Santa Barbara and the City of Santa Barbara supersedes the 1984 Joint Powers Agreement No. 12,554 between the County and the City.