

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AUTHORIZING AND AWARDED A PROFESSIONAL SERVICES AGREEMENT TO NBS GOVERNMENT FINANCE GROUP (NBS) FOR AN AMOUNT NOT TO EXCEED AMOUNT OF \$74,290 TO PROVIDE A WATER AND WASTEWATER COMPREHENSIVE RATE STUDY AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND ADMINISTER THE AGREEMENT**

WHEREAS, the City of Morgan Hill, a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California ("City"), is authorized to enter into contracts and agreements for the benefit of the City; and

WHEREAS, pursuant to all applicable laws of the State of California, the Project requested proposals for the preparation of a Water and Wastewater Rate Study; and

WHEREAS, on May 13, 2015 three proposals were received out of the five firms contacted directly by staff; and

WHEREAS, City staff interviewed two firms determined to be the most qualified of the three proposals received; and

WHEREAS, City staff, after consideration of the proposals received for completeness and responsiveness and the interviews held, finds NBS to be the most qualified consultant to perform the Rate Study services; and

WHEREAS, further reasons supporting the entrance of the City into this agreement are set forth in detail in that certain City Council Staff Report entitled "CONSULTANT AGREEMENT WITH NBS GOVERNMENT FINANCE GROUP FOR WATER AND WASTEWATER COMPREHENSIVE RATE STUDY" submitted for City Council consideration at its meeting of June 17, 2015, submitted to the City Council by the City Manager (the "Staff Report"), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, the activities allowed under this Resolution are identified as "not a project" under the provisions of the California Environmental Quality Act of 1970; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

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

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

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

Section 3. Approval and Authorization. The City Council does further find, resolve, order and/or direct as follows, based upon the entirety of the record and proceedings before it:

- a. That the Service Agreement with NBS Government Finance Group to provide a water and wastewater comprehensive rate study substantially in the form attached hereto as Exhibit B and incorporated herein by this reference (the “Service Agreement”) is hereby approved; and
- b. That the City Manager is hereby delegated authority to and is authorized and directed to execute the Service Agreement substantially in the form attached hereto as Exhibit B and is authorized to subsequently administer the Service Agreement in accordance with its terms, including without limitation the authority to terminate the Service Agreement, on behalf of City in order to protect or preserve the interests of City; provided, specifically, that the amounts to be paid by City under the Service Agreement shall in no event exceed Seventy-Four Thousand, Two-Hundred and Ninety Dollars (\$74,290); and
- c. That the City Manager is hereby delegated authority to and is authorized to take all other ministerial actions that may be necessary or appropriate to implement the provisions of this Resolution; and

Section 4. This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** by the City Council of the City of Morgan Hill at its meeting held on this 17<sup>th</sup> day of June, 2015 by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Steve Tate, MAYOR**



**∞ CERTIFICATION ∞**

**I, Irma Torrez, City Clerk of the City of Morgan Hill, California,** do hereby certify that the foregoing is a true and correct copy of Resolution No. \_\_\_\_\_, adopted by the City Council at the meeting held on June 17, 2015.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Irma Torrez, CITY CLERK**