

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,  
CALIFORNIA, APPROVING WATER RIGHTS LEASE LICENSE AND AGREEMENT  
WITH THE CITY OF WHITTIER FOR WATER YEARS 2020/21 – 2022/23 AND  
WITH LIBERTY UTILITIES FOR WATER YEARS 2020/21

WHEREAS, the City of Commerce (City) possesses 5,081 acre-feet of pumping rights pursuant to the City's allowed pumping allocation; and

WHEREAS, the City's pumping allocation was determined by the Judgment dated October 11, 1965, as amended and restated by that certain Third Amended Judgment dated December 23, 2013, and entered in Los Angeles Superior Court Case No. C786656 (Appellate Court Case No. B226743) entitled *Central and West Basin Water Replenishment District vs. Charles E. Adams, et al*; and

WHEREAS, the City can add to its allocation of 5,081 acre-feet any carry over from the previous year; and

WHEREAS, for each of the last three years, the City Council approved one-year lease agreements with Liberty Utilities Corporation (Liberty) to lease 3,000 acre-feet of pumping rights per year at a cost of \$165/acre-foot for FY 2019/20 resulting in \$495,000 in annual revenue for the Utility Water Fund; and

WHEREAS, the current lease with Liberty is due to expire on June 30, 2020; and

WHEREAS, staff released a Request for Proposals on March 30, 2020 and reached out to other municipally-owned water systems and privately owned water companies to solicit interest in leasing 3,000 acre-feet per year of the City's pumping rights; and

WHEREAS, as a result of proposals received, staff recommends executing an agreement with the City of Whittier for Water Years 2020/21 – 2022/23 and with Liberty for Water Year 2020/21 as expressed in the respective agreements approved herein by this Resolution.

**NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY RESOLVE,  
DECLARE AND DETERMINE AS FOLLOWS:**

**Section 1.** Authorizes and Approves a Water Rights Lease License and Agreement with (1) the City of Whittier for Water Years 2020/21 – 2022/23, and with (2) Liberty Utilities Corporation for Water Years 2020/21.

**Section 2.** The Mayor is authorized to execute both of Water Rights Lease License and Agreements for and on behalf of the City of Commerce.

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of May, 2020.

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Ivan Altamirano  
Mayor

ATTEST:

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Lena Shumway  
City Clerk