

WHEREAS, the Los Angeles Department of Water and Power (LADWP) proposes to enter into Agreement No. WR-20-1004 (Agreement) with Air Products and Chemicals, Inc., (Air Products) regarding advanced treated recycled water (ATRW) service at the Air Products Wilmington Plant (Property); and

WHEREAS, Air Products desires to use ATRW for cooling tower makeup water and boiler feed water needs at the Property at no increase in cost to Air Products compared to continued use of potable water; and

WHEREAS, Water Rate Ordinance No. 184130, Schedule D requires that Commodity Charges for Recycled Water Service shall be set by contract approved by the Board of Water and Power Commissioners; and

WHEREAS, Agreement establishes contractual terms for ATRW service at the Property for an initial term of 10 years, which will be extended in two increments of ten years, including the price Air Products will pay for ATRW, which shall be 100 percent of the all-in commodity rate for potable water service otherwise available to Air Products; and

WHEREAS, Agreement provides that LADWP shall reimburse Air Products up to \$2,850,000 for the actual costs of their on-site capital retrofit required to serve ATRW to Property Cooling Towers, which will be repaid on a pro rated basis by Air Products in the event it earlier terminates recycled water service; and

NOW, THEREFORE, BE IT RESOLVED that the Agreement No. WR-20-1004, approved as to form and legality by the City Attorney, and filed with the Secretary of the Board is hereby approved.

BE IT FURTHER RESOLVED that the Chief Accounting Employee of LADWP, upon proper certification, is authorized and directed to draw demands on the Water Revenue Fund, in accordance with the terms of this Agreement and this Resolution.

BE IT FURTHER RESOLVED that the President or Vice President of the Board of the City of Los Angeles, the General Manager, or such person as the General Manager shall designate in writing, and the Secretary, Assistant Secretary, or the Acting Secretary of the Board are hereby authorized and directed to execute said Agreement for and on behalf of LADWP.

BE IT FURTHER RESOLVED that the Board recommends City Council's approval of the agreement as required in City Charter Section 373.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of the Resolution adopted by the Board of Water and Power Commissioners of the City of Los Angeles at its meeting held MAY 10 2022

Chantel L. Mitchell
Board Secretary

APPROVED AS TO FORM AND LEGALITY
MICHAEL N. FEUER, CITY ATTORNEY

JUL 27 2021
BY JOHN A. CARVALHO
DEPUTY CITY ATTORNEY