

## RESOLUTION 17-37

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA AUTHORIZING EXECUTION OF JOINT EXERCISE OF POWERS AGREEMENT ESTABLISHING THE COLUSA GROUNDWATER AUTHORITY

**WHEREAS**, the California Legislature has adopted, and the Governor has signed into law, the Sustainable Groundwater Management Act of 2014 (SGMA), which authorizes local agencies and mutual water companies to manage groundwater in a sustainable fashion; and

**WHEREAS**, City of Colusa is a local agency, as defined by SGMA, duly organized and validly existing under the Constitution and laws of the State of California; and

**WHEREAS**, in order to exercise the authority granted in SGMA, a local agency or combination of local agencies must elect to become or form a groundwater sustainability agency (GSA); and

**WHEREAS**, a combination of local agencies may form a GSA by using a joint powers agreement; and

**WHEREAS**, the City of Colusa, upon authorization of its City of Colusa City Council, may, pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code (JPA Act), enter into a joint exercise of powers agreement to jointly exercise any power common to the contracting parties; and

**WHEREAS**, the City of Colusa has negotiated, with other public agencies and a mutual water company, the terms of the Joint Exercise of Powers Agreement Establishing the Colusa Groundwater Authority (JPA Agreement), attached hereto as Exhibit A; and

**WHEREAS**, the JPA Agreement is to be executed by the entities listed in Exhibit A of the JPA Agreement (Members); and

**WHEREAS**, each of the Members is either a “public agency” as defined in Government Code section 6500 or a mutual water company; and

**WHEREAS**, the JPA Agreement provides that the Colusa Groundwater Authority (Authority) will be a public entity separate and apart from the parties to the JPA Agreement and that the debts, liabilities, and obligations of the Authority will not be the debts, liabilities, or obligations of the Members; and

**WHEREAS**, the Members intend to sustainably manage groundwater throughout portions of the Colusa Subbasin of the Sacramento Valley Groundwater Basin, California Department of Water Resources No. 5-21.52, and the West Butte Subbasin of the Sacramento Valley Groundwater Basin, California Department of Water Resources No. 5-21.58 (Basin), as shown in Exhibit B of the JPA Agreement; and

**WHEREAS**, the City of Colusa City Council has previously elected to become a GSA for lands within the jurisdictional boundaries of the City of Colusa overlying the Basin; and

**WHEREAS**, the JPA Agreement provides that the Authority will be the GSA for the Basin and shall make any and all necessary filings with regulatory agencies to become and serve as the GSA for the Basin prior to June 30, 2017; and

**WHEREAS**, the City of Colusa published notice pursuant to Government Code section 6066 of its public hearing to consider adoption of a resolution authorizing execution of the JPA Agreement, thereby forming the Authority and electing the Authority to serve as the GSA for the Basin, in the Colusa Sun Herald, a copy of which is attached hereto as Exhibit B; and

**WHEREAS**, on this day, the City of Colusa held a public hearing to consider whether to adopt a resolution authorizing execution of the JPA Agreement; and

**WHEREAS**, the City Council of the City of Colusa has determined that execution of the JPA Agreement is in the City of Colusa best interest and in the public interest; and

**WHEREAS**, adoption of this resolution does not constitute a “project” under California Environmental Quality Act Guidelines section 15378(b)(5), including organization and administrative activities of government, because there would be no direct or indirect physical changes in the environment as a result of this action.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Colusa as follows:

1. The Kirk Kelleher Mayor of the City of Colusa is hereby authorized to execute the JPA Agreement on behalf of the City of Colusa.
2. The City of Colusa City Council hereby appoints Council Member Tom Reische as its initial Director on the Authority’s Board of Directors and Council Member Dave Markss as its initial Alternate on the Authority’s Board of Directors.
3. Tom Reische and Dave Marks are authorized and directed to take all action appropriate and necessary to implement the terms and conditions of the JPA Agreement, subject to oversight by the City of Colusa City Council.
4. Upon execution of the JPA Agreement by all the Members, the City of Colusa City Mayor is the person authorized to notify DWR of rescission of GSA notification shall notify the California Department of Water Resources that the City of Colusa City Council Mayor rescinds its previous election to become a GSA for lands within the jurisdictional boundaries of the City of Colusa overlying the Basin.

The foregoing resolution was duly passed and adopted by the City of Colusa City Council of City of Colusa at a meeting thereof held on June 20th, 2017 by the following roll call vote:

PASSED AND ADOPTED this 20<sup>th</sup> day of June 2017, by the following vote:

AYES: Womble, Markss and Kelleher.

NOES: None.

ABSENT: Ponciano, Reische.

ABSTAIN: None.



KIRK KELLEHER, MAYOR

ATTEST:

  
Shelly Kittle, City Clerk