

RESOLUTION NO. 2017-02

A RESOLUTION OF THE MAXWELL IRRIGATION DISTRICT 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, Maxwell Irrigation District (District) 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 District upon authorization of its Board of Directors, 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 District 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 the Colusa County 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 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 District 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 District held a public hearing to consider whether to adopt a resolution authorizing execution of the JPA Agreement; and

WHEREAS, the Board of Directors of the District has determined that execution of the JPA Agreement is in the District's 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 Board of Directors of The Maxwell Irrigation District as follows:

1. The Chairman of the Board of Directors is hereby authorized to execute the JPA Agreement on behalf of the District.
2. The Board of Directors hereby appoints Joe Richter as its initial Director on the Authority's Board of Directors and Daniel Ruiz as its initial Alternate on the Authority's Board of Directors.
3. Joe Richter and Daniel Ruiz are authorized and directed to take all actions appropriate and necessary to implement the terms and conditions of the JPA Agreement, subject to oversight by the Board of Directors.

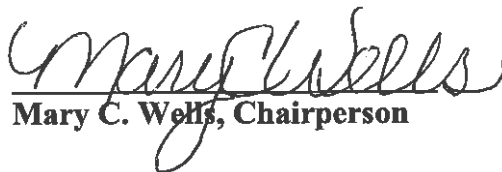
The foregoing resolution was duly passed and adopted by the Board of Directors of Maxwell Irrigation District at a meeting thereof held on June 13, 2017 by the following roll call vote:

AYES: James Bell, Joe Richter, Mary C. Wells

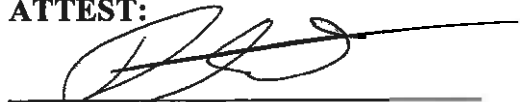
NOES: None

ABSTAIN: None

ABSENT: Greg Mensik, Matthew Southam


Mary C. Wells, Chairperson

ATTEST:


Daniel Ruiz, Secretary/Treasurer

CERTIFICATION OF SECRETARY/TREASURER:

I, Daniel Ruiz, hereby certify that I am, and at all times mentioned herein was, the duly-elected, qualified and acting Secretary/Treasurer of Maxwell Irrigation District, organized and existing under and by virtue of the laws of the State of California; the foregoing is a full, true and correct copy of a Resolution duly adopted at a regular meeting of the Board of Directors of Maxwell Irrigation District held on June 13, 2017, a quorum of the Members of the Board of Directors being present and voting in favor of the Resolution as specified above; and the Resolution has not been modified, altered, or amended.


Daniel Ruiz, Secretary/Treasurer