

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 06/16/2015 by the following vote:

AYE: ☐
NO: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2015/216

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT AND AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT FOR THE COUNTY OF CONTRA COSTA PUBLIC FINANCING AUTHORITY

WHEREAS, the Contra Costa County Flood Control and Water Conservation District (the "District") is a flood control district existing under the laws of the State of California; and

WHEREAS, the District, upon authorization by this Board of Directors (the "Board"), acting pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "JPA Law"), may enter into a joint exercise of powers agreement with one or more other public agencies pursuant to which such contracting parties may jointly exercise any power common to them; and

WHEREAS, by a joint exercise of powers agreement (the "Agreement") dated April 7, 1992, the County of Contra Costa Public Financing Authority was created by the County of Contra Costa (the "County") and the Contra Costa County Redevelopment Agency (the "Redevelopment Agency"); and

WHEREAS, the Redevelopment Agency was dissolved effective February 1, 2012, and the Successor Agency to the Contra Costa County Redevelopment Agency (the "Successor Agency") was subsequently established with the objective of winding down the affairs of the former redevelopment agency; and

WHEREAS, the County and the District intend to amend the Agreement to replace the Successor Agency as a party to the Agreement with the District; and

WHEREAS, under the JPA Law and the amended agreement, the Authority will continue to be a public entity separate and apart from the parties to the Agreement, and the debts, liabilities, and obligations of the Authority will not be the debts, liabilities or obligations of the District or the County or any representative of the District or the County serving on the governing body of the Authority; and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the District is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Contra Costa County Flood Control and Water Conservation District as follows:

SECTION 1. The foregoing recitals are true and correct and this Board so finds and determines.

SECTION 2. The form of the First Amendment to Joint Exercise of Powers Agreement, on file with the Clerk of the Board (the "Clerk"), is hereby approved. The Chief Engineer of the District, or designee, is hereby authorized to execute and deliver said First Amendment to Joint Exercise of Powers Agreement in substantially said form, with such changes therein as counsel to the District ("District Counsel") may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 3. The form of the Amended and Restated Joint Exercise of Powers Agreement for the County of Contra Costa

Public Financing Authority, on file with the Clerk, is hereby approved and the Chief Engineer of the District, or designee, is hereby authorized to execute and deliver said Amended and Restated Joint Exercise of Powers Agreement in substantially said form, with such changes therein as District Counsel may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 4. The Chief Engineer of the District, or designee, is hereby authorized and directed to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate, carry out, give effect to and comply with the terms and intent of this resolution and the Amended and Restated Joint Exercise of Powers Agreement. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

SECTION 5. All actions heretofore taken by the officers and agents of the District with respect to the Amended and Restated Joint Exercise of Powers Agreement are hereby approved and confirmed.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: June 16, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Timothy Ewell, 925-335-1036

By: , Deputy

cc: