

**AMENDMENT NO. 2 TO THE
EAST COUNTY WATER MANAGEMENT ASSOCIATION AGREEMENT**

This is Amendment No. 2 to the East County Water Management Association Agreement ("ECWMA Agreement") dated March 20, 1997, by and among the Cities of Brentwood, Antioch, and Pittsburg, Contra Costa County Water Agency, Byron-Bethany Irrigation District, Delta Diablo, Diablo Water District, East Contra Costa Irrigation District, Ironhouse Sanitation District, Town of Discovery Bay Community Services District, Contra Costa Water District, and East Contra Costa County Habitat Conservancy (collectively, "parties" or "member agencies"). Amendment No. 1 was entered into by the parties on October 28, 2010. All of the parties to the ECWMA Agreement and Amendment No. 1 are also parties to this Amendment No. 2.

RECITALS

A. The purpose of this Amendment No. 2 is to: 1) add the Bethel Island Municipal Improvement District as a party to the ECWMA Agreement; 2) to change the name of the existing party Contra Costa County in Amendment No. 1 back to Contra Costa County Water Agency; 3) to amend ECWMA's administrative procedures; 4) provide a procedure for adding new members; and 5) authorize each member agency to designate its Manager to act as an alternate of the Governing Board Representative who may vote on behalf of the member agency in the absence of the Governing Board Representative.

AGREEMENT

1. Effective Date. The Effective Date of this Amendment No. 2 is May 1, 2023.

2. Parties as of Effective Date. As of the Effective Date of this Amendment No. 2, the parties to the ECWMA Agreement are the Cities of Brentwood, Antioch, and Pittsburg, Contra Costa County Water Agency, Byron-Bethany Irrigation District, Delta Diablo, Diablo Water District, East Contra Costa Irrigation District, Ironhouse Sanitation District, Town of Discovery Bay Community Services District, Contra Costa Water District, East Contra Costa County Habitat Conservancy, and Bethel Island Municipal Improvement District.

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3. Section 3 of the ECWMA Agreement, “**Governing Board Representatives (GBR)**” is amended to incorporate the following *italicized* additions:

3. **Governing Board Representatives (GBR)**. The ECWMA shall be governed and operated by the GBR which shall be comprised of one elected official representative from each member agency. The governing body of each member agency shall designate, and may replace, one of its members as its representative, on the GBR. No individual shall serve as the representative of more than two member agencies. Each agency shall have one vote on the GBR. All actions of the GBR shall require the affirmative vote of a majority of its members, *except for the addition of new members, which requires unanimous approval. Each member agency may designate its Manager to act as an alternate in place of the member agency’s GBR. If a GBR for a member agency is not present at a meeting, the designated Manager may vote on behalf of the agency.*

The GBR shall provide policy guidance in the implementation of the purposes of the ECWMA and authorize disbursement of funds in accordance with this Agreement.

The GBR shall choose a regular meeting date and shall meet at least semi-annually.

The GBR shall appoint one of its members as the Chair and one as Vice-Chair. The Chair or any three members of the GBR may call a special meeting. A Secretary shall also be appointed by the GBR. The term of office for the Chair, Vice-chair and Secretary shall be for two years.

The GBR shall be authorized to hold a vote to add a new member agency(ies) to the ECWMA at both regular and special meetings. The following conditions must be met for a new member agency to be added to the ECWMA:

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(1) Approval. The addition of a new member agency shall require the unanimous approval of the current member agencies' GBRs and an amendment to the ECWMA.

(2) Annual Deposit. Within 30 days of receiving the affirmative vote of the GBR members, the new member agency must deposit \$500 with the Treasurer for the ECWMA. Thereafter, the member agency must deposit an additional \$500 by March 1 of each year as outlined in Section 6 of the ECWMA Agreement.

(3) Commencement of Membership. Within 90 days after the Treasurer for the ECWMA receives the newly approved member agency's initial \$500 deposit, an amendment to this Agreement acknowledging the added membership must be executed by the new member agency and all existing member agencies.

The meetings of the GBR shall be open to the public, noticed, and conducted in accordance with the Brown Act, Government Code Section 54950 et seq.

4. Section 5 of the ECWMA Agreement, "Administrative Procedures," is deleted in its entirety and replaced with Section 5 [RESERVED].

5. Entire Agreement. In the event of a conflict with the ECWMA Agreement or Amendment No. 1, or this Amendment No. 2, the terms of this Amendment No. 2 shall prevail over anything to the contrary in the ECWMA Agreement or Amendment No. 1. In all other respects the ECWMA Agreement, Amendment No. 1, and this Amendment No. 2 will be the entire agreement among the parties construed together as one and the same agreement.

6. Effect. Except for the amendments agreed to herein, the above referenced ECWMA Agreement remains in full force and effect.

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7. Counterparts: This Amendment may be executed in multiple counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

8. Signatures: The following signatures attest each member agency's agreement hereto.

**AMENDMENT NO. 2 TO THE
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CITY OF ANTIOCH

By: _____

Name: _____

Title: _____

Date: _____

**AMENDMENT NO. 2 TO THE
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CITY OF BRENTWOOD

By: _____

Name: _____

Title: _____

Date: _____

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BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

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BYRON-BETHANY IRRIGATION DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

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CONTRA COSTA COUNTY WATER AGENCY

By: _____

Name: _____

Title: _____

Date: _____

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CONTRA COSTA WATER DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

**AMENDMENT NO. 2 TO THE
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DELTA DIABLO

By: _____

Name: _____

Title: _____

Date: _____

**AMENDMENT NO. 2 TO THE
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DIABLO WATER DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

**AMENDMENT NO. 2 TO THE
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EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY

By: _____

Name: _____

Title: _____

Date: _____

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EAST CONTRA COSTA IRRIGATION DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

**AMENDMENT NO. 2 TO THE
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IRONHOUSE SANITARY DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

**AMENDMENT NO. 2 TO THE
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CITY OF PITTSBURG

By: _____

Name: _____

Title: _____

Date: _____

**AMENDMENT NO. 2 TO THE
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TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT

By: _____

Name: _____

Title: _____

Date: _____