

RESOLUTION NO 2007-4

A RESOLUTION OF THE GOVERNING BODY OF THE **AVILA BEACH COMMUNITY SERVICES DISTRICT** APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SIXTH AMENDED JOINT POWERS AGREEMENT

WHEREAS, the **Avila Beach Community Services District**, a public agency duly organized and existing under and by virtue of the California Government Code and laws of the State of California (the "Member Agency"), has entered into the Fifth Amended and Restated Joint Powers Agreement (the "Original Agreement"), relating to the Special District Risk Management Authority (the "Authority"); and

WHEREAS, the **Avila Beach Community Services District** and the other members of the Authority (the "Members") find it beneficial to amend the Original Agreement (i) to amend Article 25 of the agreement regarding administrative fees paid by the Authority to the California Special District Association, and (ii) to make certain other amendments to the Original Agreement; and

WHEREAS, in order to implement the foregoing, the Member Agency and the Members propose to execute and enter into a Sixth Amended Joint Powers Agreement (the "Amended JPA Agreement"); and

WHEREAS, all acts, conditions and things required by the 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 Governing Body 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 GOVERNING BODY OF THE MEMBER AGENCY AS FOLLOWS:

Section 1. **Findings.** The Governing Body of **Avila Beach Community Services District**, hereby specifically finds and determines that the actions authorized hereby relate to the public affairs of the agency.

Section 2. **Amended JPA Agreement.** The Amended JPA Agreement, proposed to be executed and entered into by and between the Member Agency and the Members, in the form presented at this meeting and on file with the District Secretary, is hereby approved. The Board Vice President ("The Authorized Officers") are hereby authorized and directed, for and in the name and on behalf of the Governing Body, to execute and deliver to the Authority the Amended JPA Agreement in substantially said form, with such changes therein as such officers may

require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Effective Date of Amended JPA Agreement. The Amended JPA Agreement shall take effect on October 1, 2007, but not sooner than receipt of required affirmative written approval of 2/3 of the Members participating in the Authority's risk management program(s), and who are signatory to the Fifth Amended and Restated JPA Agreement.

Section 4. Other Actions. The Authorized Officers of the Governing Body are each hereby authorized and directed to execute and deliver any and all documents which they may deem necessary in order to consummate the transactions authorized hereby and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

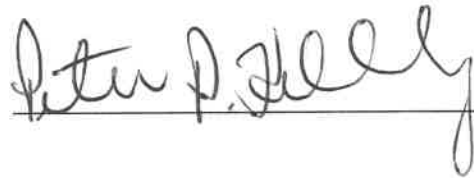
Section 5. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 12 day of June, 2007 by the following vote:

AYES: Kelley, Brown, Bernardo, Guernsey

NOES: None

ABSENT: Helenius

A handwritten signature in black ink, appearing to read "Peter P. Kelly", written over a horizontal line.

Title: Vice President

A handwritten signature in blue ink, appearing to be a stylized "DW", written over a horizontal line.

Secretary of Governing Body