



Staff Report

for the Board of Directors' Meeting of March 10, 2021

TO: Board of Directors

FROM: Greg Jones, Interim General Manager

DATE: March 2, 2021

SUBJECT: CABY Joint Powers Authority Dissolution Resolution

ADMINISTRATION

RECOMMENDATION:

Adopt Resolution 2021-05 – Approving Dissolution of the Cosumnes American Bear Yuba Joint Powers Authority.

BACKGROUND:

El Dorado County Water Authority, El Dorado Irrigation District, Placer County Water Agency, and Nevada Irrigation District formed the Cosumnes American Bear Yuba Joint Powers Authority (CABY JPA) in 2016 to facilitate mutual cooperation in developing and implementing projects under the Cosumnes American Bear Yuba Integrated Regional Water Management Plan (CABY IRWMP). The primary purpose of the CABY JPA was to finance and facilitate the completion of the 2016 update of the IRWMP. The CABY JPA has conducted limited business since its inception.

In November of 2020, the CABY JPA discussed the appropriateness of dissolution when the CABY IRWMP 2016 update has been finalized and sent to DWR, which is anticipated in early March 2021. All four JPA members agreed it is the appropriate time to end the JPA and distribute unused funds uniformly back to the respective agencies.

Mutual agreement of the members is required to terminate the Joint Powers Agreement and the Joint Powers Authority formed by it. The legislative body of each member entity must first consider and approve a dissolution resolution and present the approved resolution to the JPA Board at the final CABY JPA meeting.

A Resolution to approve the dissolution of the Joint Powers Authority is attached hereto for approval. In March, the CABY JPA is scheduled to hold its final meeting to make certain findings, finalize payment of all outstanding debts, and adopt a resolution dissolving the entity and winding up its affairs.

Dissolution of the CABY JPA does not affect the ability of NID to individually participate in IRWMP funding in the future. Traditionally, RWMP Implementation Grants have been made available to Public Agencies. Additional eligibility criteria include the requirement that each individual agency proposing a project adopt the IRWM Plan, which staff anticipates will be for NID's consideration later this summer. Also, regardless of the existence of the JPA, to be eligible for Implementation Grant Funding, a Project must be included in an adopted IRWM Plan that is consistent with the IRWM Plan standards. NID has 26 projects currently in the Plan's Project List.

BUDGETARY IMPACT:

None.



RESOLUTION NO. 2021-05
OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

**APPROVING DISSOLUTION OF COSUMNES, AMERICAN,
BEAR, YUBA JOINT POWERS AUTHORITY (CABY JPA)**

WHEREAS, on June 25, 2014, the Board of Directors of Nevada Irrigation District authorized participation in the Cosumnes American Bear Yuba Joint Powers Authority; and

WHEREAS, March 16, 2016, El Dorado County Water Agency, El Dorado Irrigation District, Placer County Water Agency, and Nevada Irrigation District executed the Cosumnes American Bear Yuba Joint Powers Agreement, forming the (CABY JPA), with the purpose of facilitating their mutual cooperation in the development and implementation of projects consistent with the goals and objectives set forth in the CABY Integrated Regional Water Management Plan; and

WHEREAS, the membership of the CABY JPA is currently comprised of El Dorado County Water Agency, El Dorado Irrigation District, Placer County Water Agency, and Nevada Irrigation District; and

WHEREAS, the CABY JPA is no longer useful or necessary to accomplish the purposes for which it was formed; and

WHEREAS, under the terms of the Agreement that created the CABY JPA, the members may agree to terminate the Agreement and dissolve the CABY JPA at any time by mutual agreement.

NOW, THEREFORE, BE IT RESOLVED

1. That all remaining property of the CABY JPA, and all other assets of any kind possessed by the CABY JPA shall be used to satisfy the debts, liabilities, or obligations

incurred by the CABY JPA, and in the event the CABY JPA has outstanding debt, liability, or obligation at the time of dissolution, the Members, including Nevada Irrigation District, shall have no obligation or responsibility for such debt, liability, or obligation, pursuant to Section 4.1 of the Joint Powers Agreement.

2. That the Nevada Irrigation District does hereby agree to and authorize the dissolution of the Cosumnes American Bear Yuba Joint Powers Authority at the earliest possible time following the determination by the Board of Directors of the CABY JPA that all financial, administrative, and legal duties of the CABY JPA have been discharged, including if necessary appointment by the Board of an agent to discharge any remaining duties consistent with the direction of CABY JPA Board of Directors.

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PASSED AND ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 10th day of March 2021 by the following vote:

AYES:	Directors:
NOES:	Directors:
ABSENT:	Directors:
ABSTAINS:	Directors:

President of the Board of Directors

Attest:

Secretary to the Board of Directors