

AMENDMENT
TO
JOINT POWERS AGREEMENT
UTICA POWER AUTHORITY

THIS AGREEMENT made an entered into this 6th day of February, 2002, pursuant to Section 7.1 of the Utica Power authority (Authority) Joint Powers Agreement (JPA) dated December 20, 1995, for the purpose of amending Section 3.2.b of the Authority's JPA.

RECITALS

WHEREAS, the Authority's JPA under Section 7.1 provides for the amendment of the Joint Powers Agreement.

WHEREAS, Section 5.2.a states that the Joint Powers Agreement may be amended at such time as the details of any change in the Project and its financing and the allocation of costs and benefits become sufficiently known to permit them to be described in such an amendment.

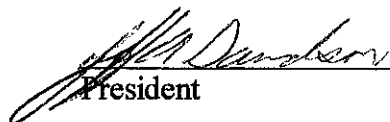
NOW, THEREFORE, IT IS AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

Section 3.2.b is hereby amended per the attached Authority's Resolution No. 01-09.

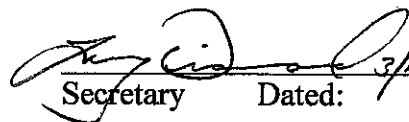
IN WITNESS WHEREOF, the parties have executed this Agreement as follows:

CALAVERAS COUNTY WATER DISTRICT

ATTEST:



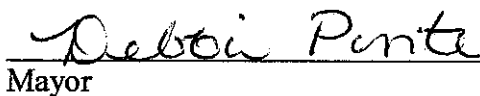
President



Secretary Dated: 3/18/02

CITY OF ANGELS

ATTEST:



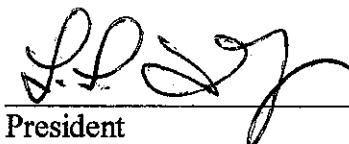
Mayor



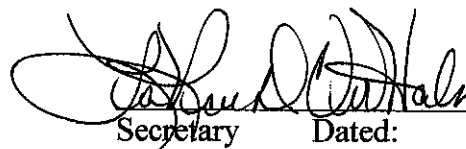
City Clerk Dated: 3-22-02

UNION PUBLIC UTILITY DISTRICT

ATTEST:



President



Secretary Dated: 4-4-02

RESOLUTION NO. 01-09

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE UTICA POWER AUTHORITY
GRANTING THE WATER AND POWER SALES COMMITTEE THE AUTHORITY TO
ENTER INTO POWER SALES CONTRACTS AND/OR AGREEMENTS WITHOUT BENEFIT
OF THE CONCURRING VOTE OF FIVE BOARD MEMBERS**

WHEREAS, the Utica Power Authority (UPA) Joint Powers Agreement under Section 3.2 Meetings (Section b) establishes the concurring vote of five directors on material fiscal and other matters, and

WHEREAS, Resolution 99-9 further clarifies material fiscal matters to include modifications to power purchase agreements, and

WHEREAS, Resolution 01-07 amended the Joint Powers Agreement and Resolution 99-9 granting the UPA Water and Power Sales Committee the discretionary power to direct UPA staff to continue power sales to Northern California Power Agency by unanimous opinion of the Committee and that said Committee consist of a representative of each member entity, and

WHEREAS, the UPA Board of Directors desires to amend the Joint Powers Agreement and Resolution 99-9 to exempt the following actions from the concurring vote of five directors,

NOW, THEREFORE, the Board of Directors of the UPA does hereby resolve as follows:

1. That the UPA Water and Power Sales Committee will consist of one representative of each member entity.
2. That the UPA Water and Power Sales Committee is granted discretionary power to enter into agreements and/or contracts related to the sale of electrical power by unanimous decision of the Committee.
3. That the UPA Water and Power Sales Committee is granted discretionary power to change the power scheduling coordinator as necessary by unanimous decision of the Committee.
4. That the UPA Water and Power Sales Committee is granted discretionary power to dissolve agreements and/or contracts related to the sale of electrical power as necessary by unanimous decision of the Committee.

NOW, THEREFORE, BE IT RESOLVED that,

ON A MOTION by Don Deem, seconded by Director Ray Behrbaum, the foregoing Resolution was duly passed and adopted by the Board of Directors of the Utica Power Authority, this 20th day of August, 2001, by the following vote:

AYES: 5
NOES: 0
ABSENT: 1
ABSTAIN: 0

Debra Ponte

Chairperson

R. Amabile

Secretary

RECOMMENDATION:

The Board will be requested to approve the amendments to section 3.2(b) of the UPA Agreement as stated in UPA Resolutions 01-09 and 01-10.

ACTION:

Adopt the recommended action by minute entry.

Attachments: Section 3.2(b) of UPA JPA Agreement
UPA Res. 99-9
UPA Res. 01-07
UPA Res. 01-09
UPA Res. 01-10

End of Document

RESOLUTION 5- 2001

RESOLUTION APPROVING UTICA POWER AUTHORITY RESOLUTIONS NO. 01-09 AND 01-10

BE IT RESOLVED by the **BOARD OF DIRECTORS** of the **UNION PUBLIC UTILITY DISTRICT** that Resolution No. 01-09 entitled "RESOLUTION OF THE BOARD OF DIRECTORS OF THE UTICA POWER AUTHORITY GRANTING THE WATER AND POWER SALES COMMITTEE THE AUTHORITY TO ENTER INTO POWER SALES CONTRACTS AND/OR AGREEMENTS WITHOUT BENEFIT OF THE CONCURRING VOTE OF FIVE BOARD MEMBERS" and Resolution No. 01-10 entitled "RESOLUTION OF THE BOARD OF DIRECTORS OF THE UTICA POWER AUTHORITY VOIDING RESOLUTION NO 01-07", both passed and adopted by the Board of Directors of the Utica Power Authority on August 20, 2001 are hereby approved and ratified.

BE IT FURTHER RESOLVED that the president and secretary are directed to execute the Amendment to the Joint Powers Agreement of the Utica Power Authority in conformance with Resolution No 01-09 and that a certified copy of this Resolution be forwarded to and filed in the business office of Utica Power Authority.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the **UNION PUBLIC UTILITY DISTRICT** on this 19th day of September, 2001 by the following vote:

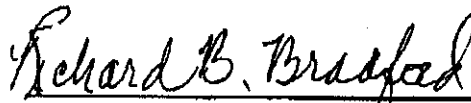
AYES: Raymond C. Behrbaum, Duane A. Oneto, LaRae D. VerHalen,
Richard B. Bradford, Lawrence L Thompson, Jr.

NOES:

None

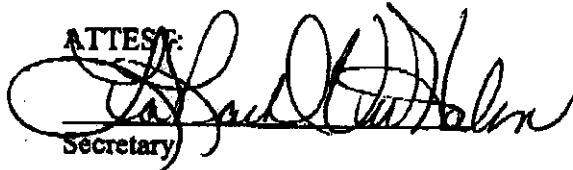
ABSENT:

None



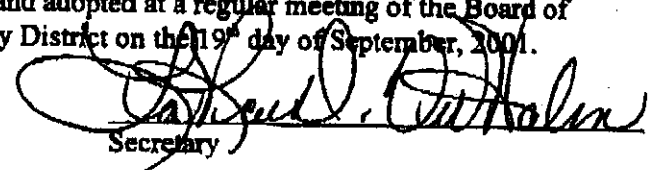
President of the Board of Directors
of the Union Public Utility District

ATTEST:



Secretary

I hereby certify that the within and foregoing is a full true and correct copy of the Resolution which was duly passed and adopted at a regular meeting of the Board of Directors of the Union Public Utility District on the 19th day of September, 2001.



Secretary

9422

**CITY OF ANGELS
CITY COUNCIL**

Resolution 02-05

**RESOLUTION OF THE CITY TO APPROVE THE AMENDMENT TO UTICA POWER
AUTHORITY RESOLUTION 01-09**

WHEREAS, the City agrees with the Utica Powers Authority amending Section 3.2(b) of the UPA JPA;

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Angels approves the amendment to section 3.2(b) of the UPA JPA as stated in UPA Resolution 91-09 attached and made a part of this Resolution, Exhibit A.

PASSED AND ADOPTED this 5th day of February, 2002 by the following vote:

AYES: Ponte, Middleton, Faught

NOES: None

ABSTAIN: None

ABSENT: Raggio, Cowden

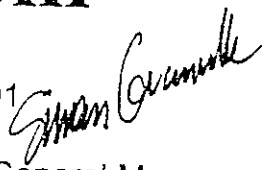
Debbi Ponte
Mayor

ATTEST:

Quay King, Deputy

City Clerk

Agenda Item

DATE: September 4, 2001 
TO: Simon Granville, General Manager
FROM: Larry Diamond, Assistant to the General Manager
RE: Utica Power Authority Joint Powers Agreement
Adoption of Amendment

SUMMARY:

On June 26, 2001, the UPA Board adopted Resolution 01-07 (attached) as a modification of Section 3.2(b) of the Agreement, granting discretionary power to the UPA Water and Power Sales Committee (Committee) to direct UPA staff in the purchase of power by NCPA. The Committee is required to consist of one representative from each member entity and the Committee's decision must be unanimous. The CCWD Board adopted this amendment to the Agreement by minute entry at its July 11, 2001 meeting.

As the summer progressed, power prices came down and it became apparent that UPA would have to seek alternatives to selling the bulk of its power to NCPA. In order to permit UPA to move quickly within the power sales market place, the UPA Board adopted Resolution 01-09 (attached). This resolution differed from Resolution 01-07 on August 20, 2001, granting discretionary authority to UPA's Water and Power Sales Committee to change power-scheduling coordinators and to enter into power sales agreements in general. The Agreement modification is to expedite the process of changing power scheduling coordinators and entering into power sales agreements.

Additionally, the UPA Board rescinded the recent amendment to the Agreement (UPA Res. 01-07) by adoption of UPA Resolution 01-10 (attached).

Concurrence of the UPA member agencies is required to approve the modifications to the Agreement.

FINANCIAL CONSIDERATIONS:

None.

Executive Office
Archives
Business Programs
Business Filings
Notary Public
Uniform Commercial Code
Elections
Information Technology
Management Services
Political Reform



BILL JONES
Secretary of State
State of California

BUSINESS PROGRAMS
Special Filings
1500 - 11th Street, Room 345
Sacramento, CA 95814
P.O. Box 944225
Sacramento, CA 94244-2250
(916) 653-3984
Internet: www.ss.ca.gov

April 29, 2002

Linda Anderson, Admin. Secretary
Utica Power Authority
PO Box 358
Angels Camp, CA 95222

The purpose of this letter is to acknowledge the filing in this office of an Amendment to a Joint Powers Agreement for Utica Power Authority pursuant to California Government Code Section 6503.5 or 6503.7. This was filed as of April 11, 2002 and assigned amendment number 1255.

In the future, if additional information concerning this Joint Powers is to be reported to the Secretary of State's Office, please use the enclosed Amendment to a Joint Powers Agreement form.

Sincerely,

Special Filings Unit

Enclosures



State of California

Bill Jones

Secretary of State

FILE NO. _____

AMENDMENT TO A JOINT POWERS AGREEMENT

(Government Code Section 6503.5 or 6503.7)

Instructions:

1. Complete and mail to: Secretary of State, P.O. Box 944225, Sacramento, CA 94244-2250 (916) 653-3984
2. Include filing fee of \$1.00.
3. Do not include attachments.

Date of filing initial notice with the Secretary of State: March 7, 1996

File number of initial notice: 1492

Name of Joint Powers agreement: Utica Power Authority

Mailing Address: PO Box 358, Angels Camp, CA 95222

Complete one or more boxes below. The agreement has been amended to:

- ☐ Change the parties to the agreement as follows: _____
- ☐ Change the name of the administering agency or entity as follows: _____
- ☒ Change the purpose of the agreement or the powers to be exercised as follows: The Water and Power Sales Committee on unanimous vote may enter into power contracts without approval of the full board
- ☐ Change the short title of the agreement as follows: _____
- ☐ Make other changes to the agreement as follows: _____

4/9/02

Date

Signature

Linda Anderson, Administrative Secretary

Typed Name and Title