

RESOLUTION 13 - 01

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
UTICA POWER AUTHORITY APPROVING AND RECOMMENDING
FIRST AMENDMENT TO AMENDED JOINT POWERS AGREEMENT
UTICA POWER AUTHORITY

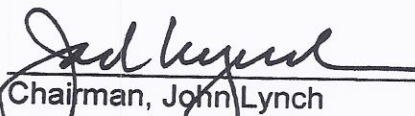
WHEREAS, the Amended Joint Powers Agreement for the Utica Power Authority (UPA), dated May 18, 2005, provides, in Section 7, that the Amended Joint Powers Agreement may be amended by an agreement approved by all parties to said agreement; and

WHEREAS, the Board of Directors of the Utica Power Authority wishes to recommend to the member agencies that the Amended Joint Powers Agreement dated May 18, 2005 be amended as shown in the attached proposed First Amendment to Amended Joint Powers Agreement.

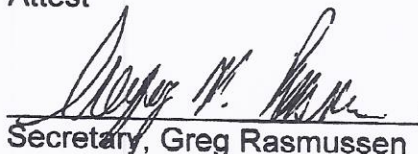
NOW, THEREFORE, LET IT BE RESOLVED, by the Board of Directors of the UPA that the attached proposed First Amendment to Amended Joint Powers Agreement is approved by the Board of Directors of UPA and the Board recommends that the member agencies approve and adopt by Resolution the attached First Amendment to Amended Joint Powers Agreement.

On a motion by Director Thompson, and seconded by Director Rasmussen, the foregoing Resolution was duly passed and adopted by the Board of Directors of the Utica Power Authority, this 26th day of February 2013, by the following vote:

Ayes: Directors Thompson, Rasmussen, Raggio, Lynch
Noes: None
Absent: Director Airola
Abstain: None

 5/28/13
Chairman, John Lynch

Attest

 5/28/13
Secretary, Greg Rasmussen

FIRST AMENDMENT TO AMENDED JOINT POWERS AGREEMENT UTICA POWER AUTHORITY

This First Amendment to Amended Joint Powers Agreement ("Amendment"), dated as of April 1, 2013, is made and entered into by and between the City of Angels ("Angels") and Union Public Utility District ("UPUD"), each of whom is a member of the Utica Power Authority ("the Authority"). Angels and UPUD are collectively referred to herein as the "members" or the "parties".

RECITALS

WHEREAS, the Authority was formed by that certain Joint Powers Agreement dated December 20, 1995; and

WHEREAS, the members entered into an Amended Joint Powers Agreement dated May 18, 2005 ("Agreement"), which is presently in effect; and

WHEREAS, Section 7.1 of Article VII of the Agreement provides that said Agreement may be amended as follows:

"This Agreement may be amended by an agreement approved by all parties, subject to the exceptions set forth in Section 5.2 and subject to any conditions or restrictions established by resolution or indenture authorizing the issuance of Bonds. Approval of the Board shall not be required for the amendment of this Agreement."

WHEREAS, the members wish to change the name of the Authority to add the word "water" to the name of the Authority to more completely reflect to the public the nature of the Authority's functions, and wish to make certain other clarifying amendments to the Agreement, as provided below.

NOW, THEREFORE, the members agree to amend the Amended Joint Powers Agreement for the Utica Power Authority, dated May 18, 2005, as follows:

AGREEMENT

1. Change in Name.

The name of the Authority is changed to the Utica Water and Power Authority, and the Authority shall henceforth be known as the Utica Water and Power Authority ("UWPA").

2. Amendment to the Introductory Paragraph, Page 1, of the Agreement.

The first paragraph of the Agreement, on page 1, contains a typographical error in the date of the original Joint Powers Agreement; to wit, the date December 20, 1985 should read as December 20, 1995. The first paragraph of the Agreement, on page 1, is therefore amended to read as follows:

"THIS AMENDED AGREEMENT made and entered into this 18th day of May, 2005 pursuant to the Joint Exercise of Powers Act, by and between CITY OF ANGELS (ANGELS) and UNION PUBLIC UTILITY DISTRICT (UPUD), and amends the Joint Powers Agreement for the UTICA POWER AUTHORITY dated December 20, 1995, as amended by the amendment of July 8, 1996, and as clarified by UPA Resolution No. 99-9."

3. Addition of Section 2.5 to Article II.

The following section 2.5 is added to Article II:

"2.5. Restrictions on Powers. To comply with the provisions of Section 6509 of the California Government Code, the manner of exercising any power is subject only to the restrictions upon the manner of exercising such powers as are imposed upon UPUD on the exercise of similar powers."

4. The amendment changing the name of the Authority is a change in name only, and does not in any way alter or modify the existence of the Authority, its membership, purposes or powers, or create a new or different entity. The Authority remains the same entity, operating under a changed name.

5. This Amendment modifies the Agreement only as expressly set forth above. As hereby amended, all of the terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment on the date(s) shown below.

UNION PUBLIC UTILITY DISTRICT

CITY OF ANGELS

By: *Eric Christman*
President

By: *Evanna Morris*
Mayor

Date: 3-20-13

Date: 3-20-13

Attest: *Thomas E. Quincy*
Secretary

Attest: *Mary Isely*
City Clerk

**CITY COUNCIL
CITY OF ANGELS
STATE OF CALIFORNIA**

RESOLUTION #13-05

**RESOLUTION APPROVING FIRST AMENDMENT TO AMENDED JOINT POWERS
AGREEMENT FOR THE UTICA POWER AUTHORITY**

WHEREAS, the City of Angels is a member of the Utica Power Authority; and

WHEREAS, the Amended Joint Powers Agreement for the Utica Power Authority, dated May 18, 2005, provides, in Section 7, that the Amended Joint Powers Agreement may be amended by an agreement approved by all parties to said Agreement; and

WHEREAS, on February 26, 2013 the Board of Directors of the Utica Power Authority approved proposed changes as shown in the attached First Amendment to the Amended Joint Powers Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City of Angels hereby approves the changes on the attached First Amendment to the Amended Joint Powers Agreement and authorizes the Mayor to execute the Agreement.

ON A MOTION BY Council Member Raggio, seconded by Council Member Lynch, the foregoing resolution was duly passed and adopted this 19th day of March, 2013 by the following vote:

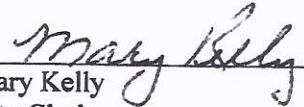
AYES: Morris, Lynch, Raggio, Kulm and Sobon
NAYS: None
ABSTAIN: None
ABSENT: None

APPROVED:



Elaine Morris
Mayor

ATTEST:



Mary Kelly
City Clerk



HOME OF THE JUMPING FROG

UNION PUBLIC UTILITY DISTRICT

RESOLUTION NO. 2013-01

RESOLUTION APPROVING FIRST AMENDMENT TO THE AMENDED JOINT POWERS AGREEMENT OF THE UTICA POWER AUTHORITY

WHEREAS, the Union Public Utility District (UPUD) is a member of the Utica Power Authority (UPA); and

WHEREAS, the Amended Joint Powers Agreement for the Utica Power Authority, dated May 18, 2005, provides, in Section 7, that the Amended Joint Powers Agreement may be amended by an agreement approved by all parties to said agreement; and

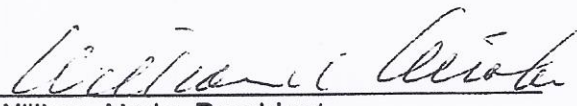
WHEREAS, on February 26, 2013, the Board of Directors of the Utica Power Authority approved the proposed amendments and recommended that the member agencies approve and adopt by resolution the amendments as shown in the attached First Amendment to the Amended Joint Powers Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Union Public Utility District that the attached First Amendment to the Amended Joint Powers Agreement is hereby approved.

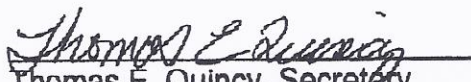
BE IT FURTHER RESOLVED, that the President or his or her designee is authorized to sign the First Amendment to the Amended Joint Powers Agreement.

ON A MOTION by Director Rasmussen, seconded by Director Chick, the foregoing Resolution was duly passed and adopted by the Board of Directors of the Union Public Utility District, this 20th day of March, 2013, by the following vote:

AYES:	Directors Airola, Oneto, Quincy, Rasmussen and Chick
NOES:	None
ABSENT:	None
ABSTAIN:	None


William Airola, President
Union Public Utility District

ATTEST:


Thomas E. Quincy, Secretary
Union Public Utility District



State of California
Secretary of State

FILE NO. 2052

FILED
Secretary of State
State of California

MAY 10 2013

(Office Use Only)

AMENDMENT OF A JOINT POWERS AGREEMENT
(Government Code section 6503.5)

Instructions:

1. Complete and mail to: Secretary of State, P.O. Box 942877, Sacramento, CA 94277-0001.
2. Include filing fee of \$1.00.
3. Do not include attachments.
4. A copy of the full text of the joint powers agreement and amendments, if any, must be submitted to the State Controller's office. For address information, contact the State Controller's office at www.sco.ca.gov.

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

File number of initial notice: 1492

Name of the agency or entity created under the agreement and responsible for the administration of the agreement:
Utica Power Authority

Agency's or Entity's Mailing Address: P.O. Box 358
Angels Camp, CA 95222

Title of the agreement: Amended Joint Powers Agreement
Utica Power Authority

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: _____
Utica Water and Power Authority

☐ Change the purpose of the agreement or the powers to be exercised as follows: _____

☐ Change the short title of the agreement as follows: _____

☒ Make other changes to the agreement as follows: 1) correct a typographical error in a date; and
2) designate Union Public Utility District under CA Government Code section 6509.

RETURN ACKNOWLEDGMENT TO: (Type or Print)

NAME [Vern Pyle, General Manager]
ADDRESS Utica Water and Power Authority
P.O. Box 358
CITY/STATE/ZIP [Angels Camp, CA 95222]

May 8, 2013

Date

Signature

Ellen D. Vogt, General Counsel
Typed Name and Title



State of California
Secretary of State

STATEMENT OF FACTS
ROSTER OF PUBLIC AGENCIES FILING

(Government Code section 53051)

FILED
Secretary of State
State of California

AUG 05 2013

(Office Use Only)

Instructions:

1. Complete and mail to: Secretary of State,
P.O. Box 942877, Sacramento, CA 94277-0001 (916) 653-3984
2. A street address must be given as the official mailing address or as
the address of the presiding officer.
3. Complete addresses as required.
4. If you need additional space, attach information on an 8½" X 11" page, one sided and legible.

New Filing ☐ Update ☒

Legal name of Public Agency: Utica Water and Power Authority

Nature of Update: Name change from: Utica Power Authority

County: Calaveras

Official Mailing Address: 1168 Booster Way Angels Camp, CA 95222

Name and Address of each member of the governing board:

Chairman, President or other Presiding Officer (Indicate Title): Chairman

Name: Jack Lynch Address: 600 Selkirk Rd Angels Camp, CA 95222

Secretary or Clerk (Indicate Title): Secretary

Name: Gregory Rasmussen Address: 6347 Red Hill Rd Angels Camp, CA 95222

Members:

Name: William Airola Address: 6896 Red Hill Rd Angels Camp, Ca 95222

Name: Stuart Raggio Address: PO Box 683 Angels Camp, CA 95222

Name: Larry Thompson Address: 216 Tom Bell Rd Sp 258 Murphys, CA 95247

Name: _____ Address: _____

Name: _____ Address: _____

RETURN ACKNOWLEDGMENT TO: (Type or Print)

NAME Utica Water & Power Authority

ADDRESS PO Box 358

CITY/STATE/ZIP Angels Camp, CA 95222

8/1/2013

Date

Tore Correa
Signature

Tore Correa, Secretary
Typed Name and Title