RESOLUTION NO. 90-31

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA ESTABLISHING THE SANTA BARBARA WATER PURVEYOR'S AGENCY AS THE ENTITY THROUGH WHICH DECISIONS ARE TO BE MADE AND TRANSMITTED PURSUANT TO THE WATER SUPPLY RETENTION AGREEMENTS

WHEREAS, on June 25, 1985, the City of Santa Maria entered into an agreement with the Santa Barbara County Flood Control and Water Conservation District ("District") designated "Water Supply Retention Agreement", Model 1, 12/11/84, as amended by First, Second & Third Amendments, ("WSPA") and is, pursuant to the WSPA, one of the "Contractors" to which "Retained Rights" were assigned pursuant to the WSPA; and

WHEREAS, this entity is a member of the Santa Barbara Water Purveyor's Agency ("WSPA"), a joint powers agency formed on November 16, 1982 to, among other things, develop water and water supplies and to coordinate water planning and operations and relations with other agencies; and

WHEREAS, Article 5(c) of the WSPA provides that the Contractors under the WSPA shall make all decisions relating to the retained rights and shall transmit those decisions to the District, who shall communicate them to the State of California, Department of Water Resources ("DWR") or shall transmit those decisions to a "designated representative of the Contractors" for communication to DWR and "shall organize themselves to enable the making and transmission of such decisions"; and

WHEREAS, to facilitate the joint decision-making contemplated and required by the WSPA, it is the desire and intention of the parties to the WSPA to use the WSPA as the form for the making and transmission of such decisions and to designate the Engineer Manager of the WSPA as their representative to communicate such decisions to either the District or the DWR.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Santa Barbara Water Purveyor's Agency is hereby acknowledged, ratified, and designated as the entity referred to in Article 5(c) of the WSPA, as the organization through which the making and transmission of all decisions relative to the WSPA shall be made.

2. Any decision of the WSPA relating to the WSPA shall be subject to ratification by contractors holding a majority of the Retained Rights existing at the time of the decision in compliance with the provisions of Article 5(c) of the WSPA.

3. Ratification of any decision by this entity shall be in writing, communicated to the Engineer Manager of the WSPA.

4. The Engineer Manager of the WSPA is hereby designated as this entity's representative to transmit and communicate any decisions of the WSPA ratified by Contractors holding a majority of the Retained Rights under the WSPA.
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Santa Maria held on the 20th day of March 1990.

[Signature]
Mayor

STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA ss.
CITY OF SANTA MARIA

I, JANET KALLAND, City Clerk of the City of Santa Maria and ex officio Clerk of the City Council DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution No. 90-31 which was duly and regularly introduced and adopted by said City Council at a regular meeting held March 20, 1990 by the following vote:

AYES: Councilmembers Dan A. Firth, Bob Drach, Curtis J. Tunnell, Thomas B. Urbanske and Mayor George S. Hobbs, Jr.

NOES: None.

ABSENT: None.

File: A-292.8

City Clerk of the City of Santa Maria and ex officio Clerk of the City Council