

Local Agency Formation Commission of Mendocino County

Resolution No. 2003-01

“A Resolution of the Board of Directors of the Local Agency Formation Commission of Mendocino County Approving the Form and Authorizing the Execution and Delivery of a Fifth Amended and Restated Joint Powers Agreement”

Whereas, the Local Agency Formation Commission of Mendocino County (LAFCO), a duly organized and existing state mandated organization under and by virtue of the laws of the State of California, has entered into that certain Fourth Amended Joint Powers Agreement (the “Original Agreement”), relating to the Special District Risk Management Authority (the “Authority”); and

Whereas, LAFCO (the “Commission”) and other members of the Authority (the “Members”) now desire to amend and restate the Original Agreement (i) to restate the purpose and powers of the Authority to allow consolidation with the Special Districts Workers Compensation Authority (“SDWCA”), and (ii) to make certain amendments to the Original Agreement; and

Whereas, in order to implement the foregoing, LAFCO and the Members propose to execute and enter into a Fifth Amended and Restated Joint Powers Agreement (the “Amended JPA Agreement”); and

Whereas, LAFCO acknowledges receipt of the proposed amendments to the Bylaws of the Authority (the “Amended Bylaws”); 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, LAFCO 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 LOCAL AGENCY FORMATION COMMISSION OF MENDOCINO COUNTY AS FOLLOWS;

Section 1. Findings. The Commission hereby specifically finds and determines that the action authorized hereby relate to the public affairs of LAFCO.

Section 2. Amended JPA Agreement. The Amended JPA Agreement, proposed to be executed and entered into by and between LAFCO and the Members, in the form presented at this meeting and on file with Executive Officer, is hereby approved. Chairwoman F. Camille Ranker and Frank McMichael, Executive Officer (“The

Authorized Officers”) are hereby authorized and directed, for and in the name and on behalf of LAFCO, 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. Amended Bylaws. LAFCO hereby consents to the approval of the Board of Directors of the Authority of the Amended Bylaws, in substantially the form presented to the Commission, with such changes as may be approved by the Board of Directors of the Authority.

Section 4. Other Actions. The Authorized Officers of LAFCO 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.

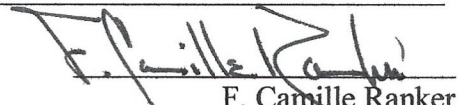
Section 5. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 6th day of January 2003 by the following vote:

AYES: Melo, Oslund, Simon, and Ranker _____

NOES: None _____

ABSENT: Shoemaker, Orth, and Delbar _____


F. Camille Ranker
Chairwoman


Attest: Frank McMichael
Executive Officer