

FIRST AMENDMENT TO
JOINT EXERCISE OF POWERS AGREEMENT
by and among
THE CARPINTERIA VALLEY WATER DISTRICT
THE CITY OF CARPINTERIA
THE SANTA BARBARA COUNTY WATER AGENCY
and
THE COUNTY OF VENTURA
creating
CARPINTERIA GROUNDWATER SUSTAINABILITY AGENCY

WHEREAS, in or about January 2020, the Carpinteria GSA (the "CGSA") was formed pursuant to the Sustainable Groundwater Management Act (SGMA), comprised of Assembly Bill 1739, SB 1168 and SB 1319 through the execution of a Joint Exercise of Powers Agreement (the "Agreement") by the Carpinteria Valley Water District, the County of Santa Barbara Water Agency, the City of Carpinteria, and the County of Ventura (collectively, the "Members"); and

WHEREAS, since the execution of the Agreement, the Board of Directors of the CGSA (the "Board") has had occasion to evaluate the practical consequences of several of the Agreement's provisions; and

WHEREAS, the Board believes, and the Members concur, that the quorum and unanimity requirements and multiple hearing procedure imposed by Section 9 of the Agreement are unnecessarily onerous, and provide limited or no protection to representation of the various interests of the Members; and

WHEREAS, the Agreement's quorum, unanimity and multiple hearing requirements have served only to delay the Board's ability to take action to adequately govern the CGSA; and

WHEREAS, the Board and the Members wish to further define those unique items that require a supermajority vote of the Board to pass; and

WHEREAS, the Board and the Members also further desire to correct an improper reference in Section 14.4 of the Agreement; and

WHEREAS, the Agreement may be amended or modified at any time only by subsequent written agreement approved and executed by all the Members (Agreement, § 18.3); and

WHEREAS, to allow the Board to meet the needs of the CGSA in a timely fashion, the Members desire to amend certain provisions of the Agreement.

NOW, THEREFORE, the Members hereby approve the following First Amendment to the Agreement:

I. Section 1.21 of the Agreement shall be stricken and restated in its entirety to read:

“Supermajority” shall mean two-thirds (2/3) of a Quorum, but in no event less than four Directors.

II. Section 9.1 of the Agreement shall be stricken and restated in its entirety to read:

Quorum. A majority of the Board of Directors shall constitute a quorum for the purpose of conducting business (“Quorum”).

III. Section 9.3 of the Agreement shall be stricken and restated in its entirety to read:

9.3 Affirmative Decisions of the Board of Directors. Except as to actions identified in Section 9.3.1, the Board of Directors shall conduct all business by a vote of a majority of the Directors present, if a Quorum has been established, although in a majority vote no less than three affirmative votes are required to approve an action.

9.3.1 Supermajority Vote Requirements for Certain Actions. To be approved the following actions will require a Supermajority vote of the Directors in attendance:

- (a) Approval of the Agency’s annual budget and amendments to the annual budget, consistent with Article 14;
- (b) Adoption and approval of a GSP and any amendments or modifications thereto;
- (c) Decisions related to the levying of taxes, assessments, regulatory fees, or other fees and charges, and any amendments thereto;
- (d) Any capital expenditure in the amount of \$250,000 or greater;
- (e) Issuance of bonds or other indebtedness;
- (f) The initiation, defense or settlement of litigation;
- (g) Decisions related to Basin boundary adjustments;
- (h) Any decision that seeks to enforce the involuntary curtailment of water use by any groundwater user within the Basin.

IV. Section 14.4 of the Agreement shall be stricken and restated in its entirety to read:

14.4 Issuance of Indebtedness. The Agency may issue bonds, notes or other forms of indebtedness pursuant to the requirements of 9.3.1.

- V. Except as amended herein, the JPA shall remain in full force and effect.
- VI. The legislative bodies of the Members have each authorized execution of this First Amendment to the Agreement, as evidenced by the signatures below.

IN WITNESS WHEREOF, the Members hereto have executed this First Amendment to the Joint Exercise of Powers Agreement Creating Carpinteria Groundwater Sustainability Agency, which Amendment may be executed in counterparts.

CARPINTERIA VALLEY WATER DISTRICT

APPROVED AND ACCEPTED BY THE BOARD OF DIRECTORS:

By: 
CASE VAN WINGERDEN
PRESIDENT, BOARD OF DIRECTORS

DATE 2/11/25

ATTEST:


LISA SILVA, BOARD CLERK

DATE 2/11/25


APPROVED AS TO FORM:

By: 
CARIANN POTTS, GENERAL COUNSEL

DATE Feb 10, 2025

CITY OF CARPINTERIA

APPROVED AND ACCEPTED BY THE BOARD OF DIRECTORS:

By: 
AL CLARK
MAYOR, CITY OF CARPINTERIA

DATE September 23, 2024


ATTEST:


BRIAN C. BARRETT, CITY CLERK

DATE September 24, 2024

APPROVED AS TO FORM:



By: 
Jena Shoaf Acos, on behalf of Brownstein
Hyatt Farber Schreck, LLP acting as
City Attorney of the City of Carpinteria

DATE September 23, 2024

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Signature Page

On December 17, 2024, the County of Ventura Board of Supervisors approved, and authorized the Ventura County Public Works Agency Director to execute on its behalf, the First Amendment to the Joint Exercise of Powers Agreement by and among the Carpinteria Valley Water District, the City of Carpinteria, the Santa Barbara County Water Agency, and the County of Ventura creating the Carpinteria Groundwater Sustainability Agency.

COUNTY OF VENTURA



Gregg Strakaluse, P.E., Director
Ventura County Public Works Agency

January 9, 2025

Date

APPROVED AS TO FORM



Jason Canger
Assistant County Counsel

SANTA BARBARA COUNTY WATER AGENCY

By: _____
LAURA CAPPS, CHAIR
BOARD OF DIRECTORS

DATE _____

ATTEST:
Mona Miyasato
COUNTY EXECUTIVE OFFICER
Ex Officio Clerk of the Board of Directors of
the Santa Barbara County Water Agency

RECOMMENDED FOR APPROVAL:
Santa Barbara County Water Agency

DocuSigned by:
By: Chris Sneddon
67CEC4FE68B848C...
Chris Sneddon, Public Works Director

By: _____
Deputy

APPROVED AS TO FORM:
Rachel Van Mullem
COUNTY COUNSEL

Signed by:
By: Johannah Hartley
C156A3FB83F7454...
Deputy

APPROVED AS TO FORM:
Greg Milligan, ARM
RISK MANAGER

Signed by:
By: Greg Milligan
53A8AAB798BA4D7...
Risk Management