

Riso
File

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 03-15

**APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF
A FIFTH AMENDED JOINT POWERS AGREEMENT
AND PARTICIPATION IN THE
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY
PROPERTY AND LIABILITY PROGRAM**

WHEREAS, the Marin Local Agency Formation Commission ("Marin LAFCO"), a public agency organized and existing under and by virtue of the laws of the State of California, has determined that it is the best interest and to the advantage of Marin LAFCO to participate for at least three years in the property and liability program commencing September 30, 2003, offered by the Special District Risk Management Authority (the "Authority"); and

WHEREAS, California Government Code Section 6500 *et seq.*, provides that two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, Special District Risk Management Authority was formed in 1986 in accordance with the provisions of California Government Code 6500 *et seq.*, for the purpose of providing its members with risk financing and risk management programs; and

WHEREAS, California Government Code Section 990.4 provides that a local public entity may self-insure, purchase insurance through an authorized carrier, or purchase insurance through a surplus lines broker, or any combination of these; and

WHEREAS, participation in Special District Risk Management Authority programs requires Marin LAFCO to execute and enter into a Fifth Amended Joint Powers Agreement (the "Amended JPA Agreement"), which states the purpose and powers of the Authority; 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, and Marin 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 NEVADA COUNTY AS FOLLOWS:

Section 1. Marin LAFCO hereby specifically finds and determines that the actions authorized hereby relate to the public affairs of Marin LAFCO.

Section 2. The Amended JPA Agreement, proposed to be executed and entered into, by and between Marin LAFCO and members of the Special District Risk Management Authority, in the form presented at this meeting and on file with the Marin LAFCO Clerk, is hereby approved. The Marin LAFCO Chairman and/or Authorized Officers ("The Authorized Officers") are hereby authorized and directed, for and in the name and on behalf of Marin 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. The Commission approves participating for three full program years in Special District Risk Management Authority Property and Liability program.

Section 4. The Authorized Officers of Marin LAFCO are each hereby authorized and directed to execute and deliver any and all documents which are 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. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 11th day of September, 2003 by the following vote:

AYES: Commissioners Adams, Blanchfield, Chapman, Eklund, Heller and Rodoni

NOES: None

ABSENT: Commissioner Rose



JEFFRY BLANCHFIELD, Chairperson

ATTEST:


PETER V. BANNING, Executive Officer