

DISCUSSION OF REVISED JOINT POWERS AGREEMENT

- IWPC November 12, 2026

PURPOSE OF REVISED JOINT POWERS AGREEMENT

- Redwood Valley Water District notified IWPC in September of its intent to withdraw from member.
- That withdrawal will be effective in March of 2027.
- The Ukiah Valley Water Authority has expressed its intent to become a new member.
- Accomplishing withdrawal of a member and inclusion of a new member will require an amendment to the JPA.
- Also see this as an opportunity for cleanup/modernization.

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PREMISE

- A new JPA is needed to address the withdrawal of one member and inclusion of another.
- Staff is making recommendations for additional changes to better reflect the IWPC's role and include options for future changes.
- This power point will explain those recommendations.
- We are asking the Commission Board of Directors to consider these recommendations and agree or request changes.

ELIMINATES RIGHT OF FIRST REFUSAL FOR ALL WATER RIGHTS

- Current JPA gives IWPC “the exclusive right to apply for additional water rights or otherwise develop new water on its own behalf or on behalf of its Member Agencies” with minor exclusions.
- Recommend that IWPC not control all new water rights of projects automatically.
- This change would allow member agencies to request IWPC assistance for new projects, but not mandatory.

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VOTING

- Recommending that a minimum of three Board Members must vote for approval of any item (rather than a majority of a quorum which could be two).
- Recommending a supermajority vote – *not weighted voting* - (75% of the entire board or 4/5) for major decisions, such as:
  - Annual budget
  - Contracts for more than $25,000.00
  - Contributions
  - Acquisition of property/water rights
  - Approval of debt
  - Imposition of assessments

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POTENTIAL FOR WEIGHTED VOTING

It is too speculative at this time to direct a method for weighted voting –
the Board may consider it in the future depending upon how water, storage or other methods of participation are divided amongst the members.

1. Concerns with weighted voting – requested alternatives

It is recommended that weighted voting be added as an option for a future JPA Board to consider and fashion.

3. The recommendation is that weighted voting would be implemented in the future only upon a supermajority vote – based upon methodology of weighting to be agreed to by the JPA Board.

4. Does not need to be tied to water allocation. Can be tied to financial contributions.

5. Does not need to be implemented in the future – it is an option included.

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ALTERNATIVES FOR WEIGHTED VOTING

- Annual financial contribution to IWPC
- Annual water funding or allocation per future agreement
- Annual storage funding or allocation per future agreement
- Total water use from all sources
- Any combination of the above

GENERAL PROVISIONS

INTENDED TO ALLOW FUTURE FLEXIBILITY

- Recommending that all contracts be approved by the Board and signed by two officers – should discuss if there should be a *de minimis* exemption.
- Recommending that the Commission have the option to hire private Treasurer/Controller or continue with County.
- Recommending that new members can be added upon Supermajority Vote.
- Recommending power to involuntarily remove a member by unanimous vote upon (1) failure to comply with the terms of the Agreement, or (2) undermining the functioning of the Commission.
- Recommending that we add powers regarding water rights and storage.
- Allows for member specific projects through project agreements.

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COST ALLOCATIONS

- Consistent with existing language, until agreement is reached on a different methodology, Commission costs shall be allocated among the Members Agencies equally; *provided*, however, the Board of Directors may approve a budget with inequal Contributions if the Members decide by supermajority vote.
- If a different methodology is agreed to by the Board – say based upon the allocation of ERPA Water, or use of newly created storage, etc., contributions may be allocated on that basis upon decision by the Board.

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EXECUTIVE DIRECTOR AND COMMITTEES

- New Language would require the Commission to hire an executive director.
- Recommending language that authorizes and directs the Executive Director to utilize ad hoc committees to address budgeting and technical issues.

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CONCLUSION – NEXT STEPS

1. Welcome questions and comments from Member Agencies.
2. Plan to distribute a draft JPA Agreement prior to the December meeting for review.
3. Further discussions at December and January meetings.
4. Request Member Agencies vote in February.

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