



Meeting: **Joint Reservoir Committee & Authority Board
Agenda Item 3.4**

April 21, 2023

Subject: **Amendment 3 Cash Call Update**

Requested Action:

Receive an update on the status of Amendment 3 2023 cash call funds received to date.

Detailed Description/Background:

In November 2022 the Authority approved the Amendment 3 2023 Annual Budget. The Authority also authorized invoicing the 2nd cash call for the Amendment 3 Work Plan period of \$100/AF in January 2023. This was a reduced 2023 cash call from the \$140/AF that the Authority approved in September 2021.

The Amendment 3 2023 cash call invoices were mailed to the Participants on January 11, 2023. Payments were due 30 days from the date of the invoice (February 10th). The Bylaws of the Sites Project Authority states, as noted below, if a cash call invoice is not received within 60 days of the invoice date (March 12th), then voting rights may be suspended.

8 Members & Non-Member Participating Parties - Common Requirements

8.1 Good Standing: To actively participate in the respective decision- making authorities, each Member and Non- Member Participating Party is required to comply with the following conditions:

8.1.1 Compliance with the terms of the Agreement and these Bylaws as well as the policies and/or procedures the Board may adopt;

8.1.2 Compliance with any Project Agreements it has executed, and not be subject to an Event of Default;

8.1.3 Providing timely payment of the Member's or Non- Member Participating Party's financial obligations, namely, (i) for Authority Members, General and Administrative Costs assessed by the Board, and (ii) for Members and Non-Member Participating Parties of a Project Agreement, payments required under the Project Agreement. For Authority Members obligations Section 5.5.3 of the Agreement provides obligations are delinquent if not received within sixth (60) days of the invoice date.

Failure to remain in good standing may subject the Member or Non- Member Participating Party to disciplinary action that, at the discretion of the Board and/or applicable project agreement committee, may include suspension of voting rights as provided at Section 7.3 of the Agreement and/or removal from either the Authority and/or Project Agreement(s) as therein provided, respectively.

Staff will provide the status of Amendment 3 2023 cash calls during the April 21, 2023 RC agenda item 3.5.

Prior Action:

November 2022 – Authority approved the Amendment 3 2023 cash call and authorized invoicing the Participants.

Fiscal Impact/Funding Source:

None.

Staff Contact:

Joe Trapasso

Primary Service Provider:

Brown and Caldwell

Attachments:

None.