



CITY COUNCIL AGENDA REPORT



DEPARTMENT: Administration

MEETING DATE: November 20, 2012

PREPARED BY: Darlene Sanchez, Sr. Project Manager

AGENDA LOCATION: CC-5

TITLE: Amendment No. 3 to the Gold Line Phase II Joint Powers Authority Joint Exercise of Powers Agreement

OBJECTIVE: To approve an amendment to the Joint Exercise of Powers Agreement of the Gold Line II Joint Powers Authority ("Joint Exercise of Powers Agreement") that will add the City of Montclair to the JPA, correct an administrative error to list the City of Pasadena as a founding member, and reinstate the annual dues of \$3,000 per City.

BACKGROUND: The Joint Powers Authority (JPA) was established pursuant to section 6500 of the Government Code and is comprised of elected representatives of each member city. The JPA is charged with enabling the planning, funding, design and construction of the Gold Line light rail extension from Pasadena to Ontario. Today, thirteen cities including Monrovia have executed a Joint Exercise of Powers Agreement with the Gold Line Construction Authority (GLCA) and participate as members of the JPA. This allows the impacted cities to participate in all aspects of GLCA's efforts.

On April 14, 2011, the JPA Board unanimously voted to extend invitations of membership to the cities of Montclair, Upland and Rancho Cucamonga. Although the cities of Upland and Rancho Cucamonga have declined the invitation to join at this time, the City of Montclair accepted the invitation of membership to the JPA and their City Council approved the proposed amendment. The JPA Board also voted to have the City of Pasadena listed as a JPA founding member, which corrects an administrative error when the JPA expanded in March of 2004. Additionally, the JPA Board voted to have annual dues reinstated. Annual dues will be in the amount of \$3,000 per city and will commence in fiscal year 2014.

ANALYSIS: An amendment to the Joint Exercise of Powers Agreement requires a unanimous vote of all cities. This amendment (attached) will allow the City of Montclair to become a member of the JPA, correct an administrative error, and reinstate JPA's annual membership dues beginning next fiscal year.

FISCAL IMPACT: As part of this amendment, the JPA Board voted to have annual dues reinstated. Commencing on July 1, 2013, annual dues will be in the amount of \$3,000 per city, and will be included as part of next fiscal year's budget. This fee paid by each city will fund administrative and legal expenses. There is not an additional fee incurred to the City of Monrovia to approve the joining of Montclair to the JPA. If all member cities approve the City of Montclair's membership, Montclair will become a JPA member and pay their initiation dues.

CC-5

OPTIONS: The City Council has the following options:

1. Approve the Amendment. This will authorize the Mayor to execute Amendment No. 3 to the Joint Exercise of Powers Agreement, approving Montclair as a member city, correcting an administrative error, and reinstating the annual dues.
2. Reject the Amendment. Since the amendment requires all cities to unanimously approve the amendment, none of the actions listed in the amendment would be in effect.

RECOMMENDATION: Approve Amendment No. 3 of the Joint Exercise of Powers Agreement and authorize the Mayor to sign the necessary documentation.

CITY COUNCIL ACTION REQUIRED: If the City Council concurs, the appropriate action would be a motion to approve Amendment No. 3 to the Gold Line Phase II Joint Powers Authority Joint Exercise of Powers Agreement.

AMENDMENT THREE

Joint Exercise of Powers Agreement

Gold Line Phase II Joint Powers Authority

This Amendment Three to the Joint Exercise of Powers Agreement for the Gold Line Phase II Joint Powers Authority ("Amendment Three") is approved and executed by the current members of the Metro Gold Line Phase II Joint Powers Authority ("Joint Powers Authority") as set forth in Exhibit 1-B, attached hereto, and each of which must approve and execute this Amendment Three in order for Amendment Three to be effective.

WITNESSETH:

The Parties hereto agree as follows:

Section 1. Recitals. This Amendment Three is made and entered into with respect to the following facts:

- a. The Joint Powers Authority was formed pursuant to Section 6500 *et seq.* of the Government Code with the goal and intent to cooperate among members in support of the funding, planning, design and construction of the Metro Gold Line Phase II light rail project ("the Gold Line Phase II"); and
- b. The City of Montclair has demonstrated an interest to join the Joint Powers Authority in order to work cooperatively with the Joint Powers Authority and its member cities and agencies to complete the Gold Line Phase II including a possible extension to the City of Ontario; and
- c. The City of Montclair has agreed to pay initial dues and assume other required financial responsibilities as a condition of its membership in the Joint Powers Authority.
- d. The City of Pasadena was a founding member of the Joint Powers Authority and by an administrative error was removed and is at this time re-inserted and not subject to any other provisions stated below; and

Section 2. Initial Dues. The Initial Dues in the amount of Thirty-One Thousand Four Hundred Forty Five Dollars (\$31,455.00) for the City of Montclair shall be due and payable thirty-days (30) after the effective date of membership in the Joint Powers Authority.

Section 3. Terms Remain in Effect. All terms of the Joint Exercise of Powers Agreement for the Gold Line Phase II Joint Powers Authority ("Agreement") that are not deleted or amended by this Amendment Three remain fully in effect and the execution of this Amendment Three by each of the parties hereto signifies approval and acceptance of the Agreement as modified by this Amendment Two.

Section 4. Annual Dues. Section 29c (Annual Dues) of the Agreement is hereby reinstated and after a three-fourths majority vote of the JPA Board Members at its April 14, 2011 Board

Meeting. Annual Dues will be billed at the beginning of the fiscal year commencing fiscal year 2014 (July 1, 2013).

With the increase of activities along the project, it remains integral to the project planning and implementation to keep information and engagement with constituent cities. The forecast budget which includes administrative expenses, fees, legal support, etc. are expected to be approximately \$45,000 annually (\$3,000 per member city) as follows:

<u>Revenues:</u>	
<u>15 Member Cities X \$3,000</u>	<u>\$45,000</u>
Total	\$45,000
 <u>Expenses:</u>	
Board Meetings Per Diem	\$18,000
Meetings	\$ 5,000
<u>Legal, Administrative, & Other</u>	<u>\$22,000</u>
Total	\$45,000

Section 5. Effective Dates. The Effective date of this Amendment Three shall be the first date on which each of the current members of the JPA, as listed in Exhibit 1-B, shall have approved and signed this Amendment Three. The effective date of Montclair's membership in the JPA shall be the first date on which each of the current members of the Joint Powers Authority as well as the respective candidate city shall have approved and signed this Amendment Three.

Section 6. Counterparts. This Amendment Three may be executed in several counterparts, and all counterparts so executed shall constitute one Amendment Three, binding on all the parties hereto, notwithstanding that all of the parties are not signatory to the original or same counterpart.

----- signature pages to follow -----

The current members of the JPA have caused this Amendment Three to be executed on their behalf, respectively, as follows:

City of Arcadia

By: Robert C. Harbicht, Mayor *Dated*

City of Azusa

By: Joseph R. Rocha, Mayor *Dated*

City of Claremont

By: Larry Schroeder, Mayor *Dated*

City of Duarte

By: John Fasana, Mayor *Dated*

City of Glendora

By: Gene Murabito, Mayor *Dated*

City of Irwindale

By: David Fuentes, Mayor *Dated*

City of La Verne

By: Don Kendrick, Mayor *Dated*

City of Monrovia

By: Mary Ann Lutz, Mayor *Dated*

City of Ontario

By: Paul Leon, Mayor *Dated*

City of Pasadena

By: Bill Bogaard, Mayor *Dated*

City of Pomona

By: Elliott Rothman, Mayor *Dated*

San Bernardino Associated Governments

By: Brad Mitzelfelt, President *Dated*

City of San Dimas

By: Curtis W. Morris, Mayor *Dated*

City of South Pasadena

By: Michael Cacciotti, Mayor *Dated*

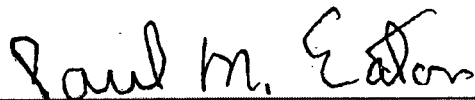
ATTEST

By: Chris Lowe, Clerk of the Board

The authorized representative of the City of Montclair has caused this Amendment Three to be executed on the City of Montclair's behalf, respectively, as follows:

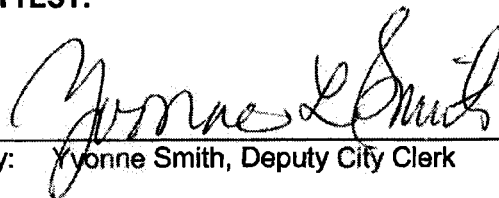
City of Montclair

ATTEST:



By: Paul M. Eaton, Mayor

Dated



By: Yvonne Smith, Deputy City Clerk

Exhibit 1-B

Current Members of the Gold Line Phase II Joint Powers Authority

Arcadia

Azusa

Claremont

Duarte

Glendora

Irwindale

La Verne

Monrovia

Ontario

Pasadena

Pomona

San Bernardino Associated Governments (SANBag)

San Dimas

South Pasadena