

Agenda Report

TO: CITY COUNCIL

DATE: APRIL 14, 2008

FROM: CITY MANAGER

SUBJECT: ADOPTION OF A RESOLUTION TO APPROVE AND ADOPT AMENDMENT ONE TO THE THIRD AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

RECOMMENDATION:

It is recommended that City Council approve adoption of a resolution to approve and adopt Amendment One to the Third Amended and Restated Joint Exercise of Powers Agreement of the San Gabriel Valley Council of Governments to allow three water agencies (Three Valleys Municipal Water District, San Gabriel Valley Municipal Water District, and the Upper San Gabriel Valley Municipal Water District) to join the SGVCOG under a single membership.

BACKGROUND:

At its October 18th, 2007 meeting, the San Gabriel Valley Council of Governments' (SGVCOG) Governing Board approved a request by three of the San Gabriel Valley's water agencies (Three Valleys MWD, San Gabriel Valley MWD, and Upper San Gabriel Valley MWD) to be admitted to the SGVCOG under a single membership. On February 21st, the Governing Board approved Amendment One to the Third Amended JPA and directed that Amendment One be submitted to the legislative bodies of the SGVCOG's member agencies for their approval.

The goal of this decision was to continue to expand the organizational base of the SGVCOG into a true Council of Governments, in which representative stakeholders from all of the Valley's governments would work together to provide input and support for Valley-wide programs and projects. The admission of the water agencies represents the logical extension of a process that was begun in 2007 when Los Angeles County was granted membership into the SGVCOG.

City Council

The SGVCOG's expanded base will provide the additional resources and networks to address the many issues that impact the Valley. It also moves the organization away from its dependence on the cities in shouldering the financial burden for resources that serve a much broader regional interest.

Water Issues in the San Gabriel Valley

Given the current issues, such as the drought and potential water rationing, as well as the funding available under Proposition 1E and 84, this is a critical period for addressing water issues in the San Gabriel Valley. This can best be achieved by creating a close working relationship between our cities and the Valley's water agencies. A strong working relationship between the Valley's cities and water districts is especially important given that the San Gabriel Valley's main source of water supply comes from its groundwater basin; in fact, 90% or 280,000 acre-feet of the Valley's annual water supply come from the basin.

Amendment to the JPA

The most significant changes to the SGVCOG's JPA that are included in Amendment One are as follows:

1. Amendment One will enable a single legal entity representing the water agencies to join the SGVCOG and represent the interests of the water agencies in the San Gabriel Valley. The water agencies will have a **single vote** on the SGVCOG Governing Board. They will be able to participate on relevant standing and ad hoc committees, such as the Energy, Environment and Natural Resources (EENR) Committee.
2. The three water agencies will pay a joint membership fee of **\$30,000**, which is equal to the current SGVCOG member dues cap.
3. The water agencies will select both a delegate and alternate from among their boards of directors to serve on the SGVCOG Governing Board. Both the delegate and alternate will be **publicly elected officials** that reside in the San Gabriel Valley. The water agencies will follow all existing SGVCOG bylaws with regards to appointing their delegate and alternate.
4. SGVCOG policy is being clarified to indicate that any Member withdrawing from the SGVCOG will not be entitled to any reimbursement of the annual dues that have been paid by the member.

If sixteen member agencies approve and execute Amendment One, it will be effective and the entity representing the water agencies will be able to join the SGVCOG as soon as it too approves and executes both the Third Amended and Restated JPA and Amendment One.

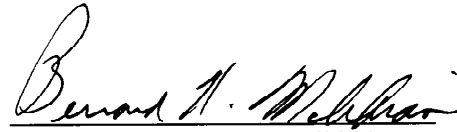
City Council

The SGVCOG bylaws are also being amended to reflect the water agencies' admission in the SGVCOG and they will be presented to the SGVCOG Governing Board for action at an upcoming meeting.

FISCAL IMPACT:

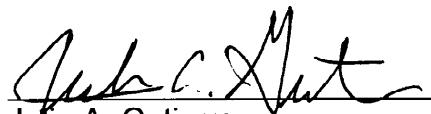
Approval of this amendment will not result in any increase to the City's current membership expense.

Respectfully submitted,



BERNARD K. MELEKIAN
City Manager

Prepared and Approved by:



Julie A. Gutierrez
Assistant City Manager

BKM:dc

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA
APPROVING AND ADOPTING
AMENDMENT ONE TO THE THIRD AMENDED AND RESTATED JOINT
EXERCISE OF POWERS AGREEMENT OF THE SAN GABRIEL VALLEY
COUNCIL OF GOVERNMENTS**

WHEREAS, the San Gabriel Valley Council of Governments (“SGVCOG”) was established and that certain Joint Exercise of Powers Agreement entered into as of March 1, 1994; and

WHEREAS, the Amended and Restated Joint Exercise of Powers Agreement for the SGVCOG was approved and adopted effective September 17, 1998; and

WHEREAS, the Second Amended and Restated Joint Exercise of Powers Agreement for the SGVCOG was approved and adopted effective November 21, 2000; and

WHEREAS, the Third Amended and Restated Joint Exercise of Powers Agreement for the SGVCOG was approved and adopted effective April 10, 2007; and

WHEREAS, membership in the SGVCOG has been limited to the County of Los Angeles and cities in the San Gabriel Valley; and

WHEREAS, there is a growing need to have the SGVCOG consider and address issues related to the availability and quality of the water to be supplied to the residences, businesses and public facilities throughout the San Gabriel Valley; and

WHEREAS, certain of the water agencies that provide water to the San Gabriel Valley have indicated an interest in the SGVCOG and a willingness to join the SGVCOG and actively participate in its activities; and

WHEREAS, the participation of water agencies in the activities of the SGVCOG would further the public interest by assisting the SGVCOG to achieve its goals and objectives; and

WHEREAS, the water agencies of the San Gabriel Valley have agreed to create a single legal entity that will join the SGVCOG and represent the interests of said water agencies; and

WHEREAS, in connection with the entry to the water agencies into the SGVCOG, it is timely to clarify existing SGVCOG policy that annual dues paid to the SGVCOG by a member agency will not be reimbursed in the event that a member agency elects to withdraw from the SGVCOG; and

WHEREAS, Amendment One to the Third Amended and Restated Joint Exercise of Powers Agreement for the SGVCOG would enable a legal entity representing the water agencies of the San Gabriel Valley to join the SGVCOG and participate in the SGVCOG's activities; and

WHEREAS, Amendment One to the Third Amended and Restated Joint Exercise of Powers Agreement for the SGVCOG would preclude the reimbursement of any annual dues paid by a member agency in the event of the withdrawal of said member agency from the SGVCOG.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PASADENA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That Amendment One to the Third Amended and Restated Joint Exercise of Powers Agreement for the San Gabriel Valley Council of Governments, attached hereto and incorporated herein by this reference, is approved and adopted.

SECTION 2. That the City Clerk shall certify to the SGVCOG the adoption of this resolution.

ADOPTED at the regular meeting of the City Council of the City of Pasadena on this _____ day of April, 2008, by the following vote:

AYES:

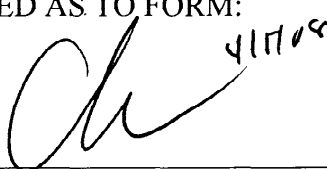
NOES:

ABSENT:

ABSTAIN:

Jane Rodriguez, City Clerk

APPROVED AS TO FORM:



Nicholas George Rodriguez
Assistant City Attorney

EXHIBIT A

Eligible Public Entities

Alhambra	La Verne
Arcadia	Monrovia
Azusa	Montebello
Baldwin Park	Monterey Park
Bradbury	Pasadena
Claremont	Pomona
County of Los Angeles	Rosemead
Covina	San Dimas
Diamond Bar	San Gabriel
Duarte	San Marino
El Monte	Sierra Madre
Glendora	South El Monte
Industry	South Pasadena
Irwindale	Temple City
La Canada-Flintridge	Walnut
La Puente	West Covina

AMENDMENT ONE
to the
THIRD AMENDED AND RESTATED
JOINT EXERCISE OF POWERS AGREEMENT
of the
SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS
AMENDMENT ONE EFFECTIVE DATE _____, 2008

1. The effective date of AMENDMENT ONE to the THIRD AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT of the SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS (“AMENDMENT ONE”) shall be the first date on which fifty percent (50%) plus one (1) of the legislative bodies of the then active Members of the San Gabriel Valley Council of Governments (“Council”) approve and sign AMENDMENT ONE.

2. The cover page of the THIRD AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT of the SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS (“JPA”) shall be modified to include the effective date of AMENDMENT ONE.

3. Section 1. f. of the JPA shall be deleted in entirety and replaced with the following sentence.

“f. Each Member is a public agency as defined by Section 6500 of the Government Code.”

4. In Section 4. b. (6) after the word “cities” the phrase “other public entities” shall be inserted.

5. The first sentence of Section 5. a. shall be deleted in entirety and replaced with the following sentence.

“Except with regard to the County, one person, who is a resident of the San Gabriel Valley, shall be designated as a representative to the Governing Board by the legislative body of each of the Members (“Governing Board Representative”).”

6. The first sentence of Section 5. b. shall be deleted in entirety and replaced with the following sentence.”

“Except with regard to the County, one person, who is a resident of the San Gabriel Valley, shall be designated as an alternate representative to the Governing Board by the legislative body of each of the Members (“Alternate Governing Board Representative”).”

7. The first sentence of Section 5 .c. shall be deleted in entirety and replaced with the following sentence.

“No person shall be eligible to serve as a Governing Board Representative or an Alternate Governing Board Representative unless that person is, at all times during the tenure of that person as a Governing Board Representative or Alternate Governing Board Representative, either a member of the legislative body of one of the appointing Members for city Members or an elected official of a public agency for public agency Members except that Governing Board Representatives and Alternate Governing Board Representatives for the County do not have to be members of any legislative body but shall serve at the pleasure of their respective County Supervisors.

8. Section 21. a. shall be deleted in entirety and replaced with the following.

“a. Withdrawal. A Member may withdraw from the Council by filing its written notice of withdrawal with the President of the Governing Board 60 days before the actual withdrawal. Such withdrawal shall be effective at 12:00 o’clock a.m. on the last day of that 60-day period. The withdrawal of a Member shall not in any way discharge, impair or modify the voluntarily-assumed obligations for the withdrawn Member in existence as of the effective date of its withdrawal. Withdrawal of a Member shall not affect the remaining Members. Withdrawn Members shall not be entitled to any reimbursement of annual dues paid. Withdrawal from any Implementation Agreement shall not be deemed withdrawal from the Council. In addition to being entitled to completely withdraw from the Council, the County may also partially withdraw and reduce its annual dues with a corresponding reduction in its ability to participate in and vote on matters before the Governing Board by filing a written notice of partial withdrawal with the President of the Governing Board 60 days before the actual partial withdrawal. Such notice of partial withdrawal shall indicate which Supervisorial District(s) shall remain active in the Council and which are being withdrawn and shall be effective at 12:00 o’clock a.m. on the last day of that 60-day period. Partial withdrawal shall not change the rights and obligations of the County under this Agreement except that the County shall no longer be able to participate in or vote on behalf of the withdrawn Supervisorial District(s) on any matter before the Governing Board or Council committees.”

9. In the second sentence of Section 21. c. after the word “Since” insert the word “the”.

10. Section 23. shall be deleted in entirety and replaced with the following.

“Section 23. Dues of Members. The Members of the Council shall be responsible for the payment to the Council, annually, of dues for each fiscal year in the amounts periodically budgeted by the Governing Board, as and for the operating costs of the Council as provided in the Bylaws. The dues of any non-city and non-County Members of the Council shall be no more than the maximum dues assessed to any of the city Members of the Council. An annual dues assessment will be issued to all Members in July of each calendar year except that the annual dues assessment for the County will be issued in July of each calendar year for those Supervisorial Districts whose representation of the County began in the first six months of a Council fiscal year and in January of the following calendar year for those whose representation of the County began in the last six months of a Council fiscal year. Further, the annual dues assessment will also be issued each January for any new Members, including Eligible Public

Entities and other entities, who have become Members of the Council for the first time and whose membership commenced in the last six months of a Council fiscal year.”

11. Exhibit A will be amended to include the name of the entity formed by the water agencies of the San Gabriel Valley that seeks to become a Member of the Council.

The Members of the San Gabriel Valley Council of Governments have caused this AMENDMENT ONE to be executed on their behalf, respectively, as follows:

PUBLIC AGENCY _____

By _____

Title _____

Attest _____

Date _____