

CITY OF PASADENA

MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Michele Beal Bagneris, City Attorney *MB*
DATE: November 20, 2003
RE: Withdrawal from Project D.A.Y. Joint Powers Authority

The City is a member of the Project D.A.Y. Joint Powers Authority ("the Authority") as established in Agreement No. 10,333, approved in 1978. The other members are the cities of South Pasadena and Sierra Madre and the Pasadena and South Pasadena Unified School Districts. The Authority has operated a project for the diversion of juveniles from the criminal justice system to community based treatment services, and I have been asked by Councilmember Paul Little, who serves as the City Council's representative to the Authority, to provide information on steps to be taken by the City to withdraw from the Authority. It appears that withdrawal from the Authority is appropriate since it is anticipated that the Authority will be dissolving by the end of this calendar year due to lack of financial resources and lack of requests for services.

Pursuant to Section 2 of the Joint Powers Agreement, any party may withdraw from the Agreement by giving thirty days' written notice to the Pasadena Regional Juvenile Diversion Authority. Pursuant to Section 6 of the Agreement, upon termination of the Agreement, any property acquired by the Authority must be disposed in accordance with applicable law, and if property may be distributed to the parties, it is to be distributed in proportion to the contribution made by each. Since the Government Code (Sections 6510, 6511) provides that the joint powers agreement is to provide for the disposition of property and surplus money, upon termination, each party will get a pro-rata share of any property and surplus money, if any. I have been informed that the Authority is operating in a negative cash position, which suggests that there is no surplus money, and I am unaware of any property or other assets of the Authority.

Councilmember Little will present an oral report providing additional background information during the City Council discussion of this item at the Council meeting on November 24, 2003.

If the Council desires to withdraw from the Authority, the appropriate action would be a motion to withdraw from the Authority, terminating the Agreement effective December 31, 2003, and directing the City Manager to give thirty days' written notice to the Pasadena Regional Juvenile Diversion Authority of such withdrawal.

12/08/2003
3.A.

~~11/24/2003~~
~~7.A.(4)~~