

# Agenda Report

December 3, 2012

**TO:** Honorable Mayor and City Council  
**FROM:** Department of Transportation  
**SUBJECT: CONSIDERATION OF AMENDMENT THREE TO THE JOINT EXERCISE OF POWERS AGREEMENT FOR THE METRO GOLD LINE PHASE II JOINT POWERS AUTHORITY ALLOWING THE CITY OF MONTCLAIR TO JOIN**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the proposed action is exempt from review pursuant to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061 (b) (3); and
2. Authorize the Mayor to sign Amendment Three to the Joint Exercise of Powers Agreement for the Metro Gold Line Phase II Joint Powers Authority allowing the city of Montclair to join.

## **BACKGROUND:**

On April 14, 2011, the Metro Gold Line Phase II Joint Powers Authority (JPA) Board unanimously voted to extend invitations of memberships to the JPA to the cities of Montclair, Upland and Rancho Cucamonga. Letters of invitation were sent to all cities along with the proposed Amendment Three. 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 on August 16, 2011 and the City Council has approved Amendment Three. San Bernardino Associated Governments (SANBAG) current Board member is Paul Eaton, who is the Mayor of Montclair. In the event that Mayor Eaton is selected as the Montclair JPA Board member, a replacement by SANBAG will be necessary. The SANBAG Alternative Board Member is currently Diane Williams, City Council Member of Rancho Cucamonga.

The JPA Board also voted on April 14, 2011 to have the City of Pasadena listed as a JPA member, correcting 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 fiscal year 2014 (July 1, 2013).

**COUNCIL POLICY CONSIDERATION:**

The proposed action is consistent with the City Council's Strategic Planning Goals to improve, maintain, and enhance public facilities and infrastructure throughout the City of Pasadena.

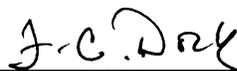
**ENVIRONMENTAL ANALYSIS:**

This action is categorically exempt from CEQA pursuant to State CEQA Section 15061 (b) (3), the General Rule that CEQA only applies to projects that may have an effect on the environment. The General Rule can be applied when it can be seen with certainty that the activity will not have a significant effect on the environment. The proposed action will not result in any new development or physical changes.

**FISCAL IMPACT:**

The city of Pasadena's annual dues for membership on the JPA will be \$3,000 and are due July 1, 2013. Funding is available in the City's Proposition A transportation budget account number 8124-208-775100 and will be included in the FY 2014 Operating Budget.

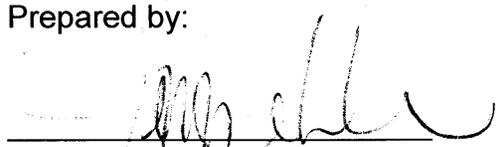
Respectfully submitted,



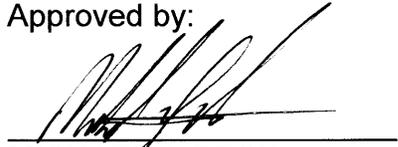
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FREDERICK C. DOCK

Director  
Department of Transportation

Prepared by:

  
\_\_\_\_\_  
Jenny Cristales  
Associate Planner

Approved by:

  
\_\_\_\_\_  
MICHAEL J. BECK  
City Manager

Attachment:

Amendment Three to the Joint Exercise of Powers Agreement for the JPA

## 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, &amp; 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*

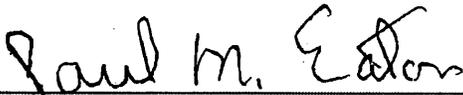
ATTEST

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