

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

323



July 1, 2005

FROM: County Counsel

SUBJECT: MARCH JPA

RECOMMENDED MOTION: Adopt Resolution 2005-348, approving the 10th Amendment to the March Joint Powers Authority Agreement concerning closed sessions of Joint Powers Authority Member Agencies.

BACKGROUND: Assembly Bill 2782 established a provision authorizing a member/or alternate member of a Joint Powers Authority (JPA) who participates in a closed session of a JPA in his/her capacity as a member of a legislative body of a local agency to disclose information to the agency's legal counsel or other members in a closed session of the local agency regarding information learned in a JPA closed session. Resolution 2005-348 approves inclusion of the provisions of AB2782 in the March JPA agreement, bylaws or policies.

Departmental Concurrence

Joe S. Rank, County Counsel
Riverside County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:
	Annual Net County Cost:	\$ 0	For Fiscal Year:

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: **APPROVE**

County Executive Office Signature

Consent
 Policy

 Consent
 Policy

 Dep't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.: | **District:** All | **Agenda Number:**

3.15

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3 **RESOLUTION NO. 2005-348**

4 **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY**
5 **OF RIVERSIDE APPROVING THE 10TH AMENDMENT TO THE MARCH**
6 **JOINT POWERS AGREEMENT CONCERNING CLOSED SESSIONS**
7 **OF JOINT POWERS AUTHORITY MEMBER AGENCIES**

8 **WHEREAS**, in 1993 the Cities of Moreno Valley, Perris, and Riverside, and the County of
9 Riverside, entered into a Joint Powers Agreement for the present and future reuse of the March Air Force
10 Base;

11 **WHEREAS**, Section 5.f (Ralph M. Brown Act) of the March Joint Powers Agreement states in
12 part that all meetings of the March Joint Powers Agreement shall be conducted in accordance with the
13 provisions of the Ralph M. Brown Act (Commencing with Section 54950 of the California Government
14 Code);

15 **WHEREAS**, the California Legislature has passed and the Governor has signed, Assembly Bill
16 2782 ("AB 2782") pursuant to which a joint powers authority may provide in its joint powers agreement,
17 its bylaws or its policies, that its local agency members may conduct their own closed sessions under the
18 Ralph M. Brown Act (the "Act") in order to consider matters discussed by the joint powers authority in
19 closed session which have direct financial or liability implications for the applicable local agency
20 member;

21 **WHEREAS**, on June 16, 2005, the March Joint Powers Authority Board approved the 10th
22 Amendment to the March Joint Powers Agreement incorporating the most recent changes to the Brown
23 Act as outlined under AB 2782;

24 **NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the County of
25 Riverside, assembled in regular session on July 26th, 2005 as follows:

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1 **SECTION 1.** The Board hereby approves the following provisions for inclusion into the March
2 Joint Powers Authority Agreement, bylaws and/or policies of which the County is a member:

3 “All information received by the legislative body of a local agency member
4 in a closed session related to information presented to the joint powers agency in closed
5 session shall be confidential. However, each local agency member is authorized on advice
6 of its legal counsel to conduct a closed session to consider and take action concerning any
7 matter discussed in closed session by the joint powers authority that has a direct financial
8 or liability implication for the local agency member, pursuant to California Government
9 Code Section 54956.96. For this purpose, a member of the legislative body of a local
10 agency member may disclose information obtained in a closed session of the joint powers
11 authority that has direct financial or liability implications for the local agency member, to
12 (1) legal counsel of the applicable local agency member for purposes of obtaining advice
13 on whether the matter has direct financial or liability implications for that member local
14 agency, and (2) other members of the legislative body of the local agency present in a
15 closed session of that member local agency.

16 Legal counsel representing the joint powers agency is authorized to provide
17 information to legal counsel representing the applicable local agency member about the
18 discussion conducted by the joint powers agency in the applicable closed session.

19 “Any designated alternate member of the legislative body of the joint
20 powers agency who is also a member of the legislative body of a local agency member and
21 who is attending a properly noticed meeting of the joint powers agency in lieu of the local
22 agency member’s regularly appointed member may attend closed sessions of the joint
23 powers agency.”

24 **SECTION 2.** The Board authorizes that March Joint Powers Authority covered by AB 2782 of
25 which the County is a member, to adopt the above provisions for inclusion in either the applicable joint
26 powers agreement, bylaws or policies.

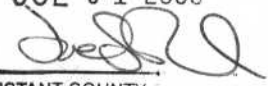
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1 **SECTION 3.** The Clerk of the Board is hereby authorized and directed to transmit a copy of this
2 Resolution to March Joint Powers Authority covered by AB 2782 of which the County is a
3 member within five days from its adoption.

4 **SECTION 4.** This Resolution shall take effect upon adoption.

FORM APPROVED
COUNTY COUNSEL

JUL 01 2005

BY 
ASSISTANT COUNTY COUNSEL

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