

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



FROM: Executive Office

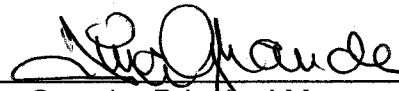
SUBMITTAL DATE:
September 3, 2009

SUBJECT: Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments.

RECOMMENDED MOTION: That the Board of Supervisors ratify the attached amendment to the Joint Powers Agreement of the Western Riverside Council of Governments (WRCOG) to add water districts to the WRCOG governing board.

BACKGROUND: Since July 1, 2008 Eastern Municipal Water District (EMWD) and Western Municipal Water District (WMWD) have acted as ex officio non-voting members of the Western Riverside Council of Governments (WRCOG). On May 11, 2009 the Executive Committee took action enhancing the participation of Eastern Municipal Water District (EMWD) and Western Municipal Water District (WMWD) in WRCOG.

Continued on the next page



Tina Grande, Principal Management Analyst

FORM APPROVED COUNTY COUNSEL
BY: Karin L. Watts-Bazan DATE: 9/3/09
Principal Concurrence

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

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

BY: Gary M. Christmas

Gary M. Christmas

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dept Recomm.:
Per Exec. Ofc.:

Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments.

Page 2

The water districts now have the right to cast formal votes on matters presented to the Executive Committee and the General Assembly. WRCOG bylaw changes were made on June 26, 2009, which gave voting privileges to the water districts for the Administration and Finance Committee and the Technical Advisory Committee.

The water districts do not have voting privileges extending to matters relating to the Transportation Uniform Mitigation Fee (TUMF) program, as the water districts do not participate in the TUMF. This means, in order to preserve WRCOG's authority to operate TUMF, the water districts are not formal "contracting parties" to the Joint Powers Agreement (JPA). WRCOG and each water district entered into separate Memorandum of Understandings (MOUs) to establish the terms of membership.

The Board of Supervisors is being asked to ratify the attached amendment to the JPA.

**AMENDMENT TO THE JOINT POWERS AGREEMENT OF
THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
TO ADD WATER DISTRICTS TO THE WRCOG GOVERNING BOARD**

This Amendment to the Joint Powers Agreement ("Amended Agreement") is made and entered into on the 11th day of May, 2009, by and between sixteen cities located within western Riverside County and the County of Riverside (collectively the "Parties").

RECITALS

WHEREAS, sixteen cities located within western Riverside County and the County of Riverside have entered into a Joint Powers Agreement on April 1, 1991, and through subsequent amendments thereto (the "JPA"), to form the Western Riverside Council of Governments ("WRCOG"); and

WHEREAS, the Western Municipal Water District and the Eastern Municipal Water District (the "Water Districts") have approached WRCOG to express that their involvement in WRCOG will be beneficial to both WRCOG member agencies and the Water Districts; and

WHEREAS, the Water Districts believe that cooperation with WRCOG will create synergies which will facilitate a variety of joint goals, including (1) improved coordination on major infrastructure planning; (2) improved and consistent implementation of landscape water conservation ordinances; (3) improved coordination of shared legislative and regulatory strategies; (4) better positioning to overcome resource management challenges; and (5) improved regional response and compliance with a merging case law tightening the connection between land use and water resources; and

WHEREAS, WRCOG agrees and strongly supports coordination with the Water Districts, and believes that permitting the Water Districts membership on the WRCOG Governing Body is the best manner which would most efficaciously serve the interests of the WRCOG member agencies and the Water Districts; and

WHEREAS, pursuant to Government Code sections 6500 *et seq.*, the parties to the JPA desire to amend the JPA to add the Water Districts to the Governing Body of WRCOG.

MUTUAL UNDERSTANDINGS

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

Section 1: Section 2.1 to the JPA is hereby amended to read as follows:

2.1 Parties.

The parties to WRCOG shall be the County of Riverside and each city located within western Riverside County which has executed or hereafter executes this Agreement, or any addenda, amendment, or supplement thereto and agrees to such become a member upon such terms and conditions as established by the general counsel or Executive Committee, and which has not, pursuant to provisions hereof, withdrawn therefrom. Only the parties identified in this section shall be considered contracting parties to the JPA under Government Code section 6502.

Section 2: Section 2.4 to the JPA is hereby amended to read as follows:

2.4 Governing Body.

2.4.1. WRCOG shall be governed by a General Assembly with membership consisting of the appropriate representatives from the County of Riverside, each city which is a signatory to this Agreement, Western Municipal Water District, and Eastern Municipal Water District, the number of which shall be determined as hereinafter set forth. The General Assembly shall meet at least once annually, preferably scheduled in the evening. Each member agency of the General Assembly shall have one vote for each mayor, council member, county supervisor, and water district board member present at the General Assembly. The General Assembly shall act only upon a majority of a quorum. A quorum shall consist of a majority of the total authorized representatives, provided that members representing a majority of the member agencies are present. The General Assembly shall adopt and amend by-laws for the administration and management of this Agreement, which when adopted and approved shall be an integral part of this Agreement. Such by-laws may provide for the management and administration of this Agreement.

2.4.2. There shall be an Executive Committee which exercises the powers of this Agreement between sessions of the General Assembly. Members of the Executive Committee shall be the Mayor from each of the member cities, four members of the Riverside County Board of Supervisors and the President of each Water District, the remaining member of the Board of Supervisors shall serve as an alternate, except any City Council, at its discretion, can appoint a Mayor Pro Tem or other city council member in place of the Mayor and each water district board, at its discretion, can appoint another board member in place of the President. The Executive Committee shall act only upon a majority of a quorum. A quorum shall consist of a majority of the member agencies. Membership of the Water Districts on the General Assembly and Executive Committee of WRCOG shall be conditioned on the Water Districts entering into a separate Memorandums of Understanding with WRCOG.

Section 3: Section 2.18 is hereby added to the JPA to read as follows:

2.18 Water Districts and TUMF Matters.

Pursuant to this Joint Powers Agreement, WRCOG administers the Transportation Mitigation Fee ("TUMF") for cities in western Riverside County. The fee was established prior to the Water District's involvement with WRCOG and will fund transportation improvements for the benefit of the County of Riverside and the cities in western Riverside County. As such, the Western Municipal Water District and the Eastern Municipal Water District General Assembly and Executive Committee Members shall not vote on any matter related to the administration of the TUMF program or the expenditure of TUMF revenues.

Section 4: Section 3.5 is hereby added to the JPA to read as follows:

3.5 Contributions from Water Districts.

The provisions of section 3.4 above shall be inapplicable to the Western Municipal Water District and the Eastern Municipal Water District. The amount of contributions from these water districts shall be through the WRCOG budget process.

Section 5: This amendment is to become effective upon execution by all of the parties that are currently signatories to the JPA.

Section 6: All other provisions and terms of the JPA are to remain unchanged.

Section 7: This Amendment may be executed in counterparts.

IN WITNESS WHEREOF, the Parties hereto have caused this Amended Agreement to be executed and attested by their officers thereunto duly authorized as of the date first above written.

[SIGNATURES ON FOLLOWING PAGES]

ATTEST:

City Clerk
City of Banning

By: _____

Dated: _____

CITY OF BANNING

By _____

Mayor

ATTEST:

City Clerk
City of Beaumont

By: _____

Dated: _____

CITY OF BEAUMONT

By _____

Mayor

ATTEST:

City Clerk
City of Calimesa

By: _____

Dated: _____

CITY OF CALIMESA

By _____

Mayor

ATTEST:

City Clerk
City of Canyon Lake

By: _____

Dated: _____

CITY OF CANYON LAKE

By _____

Mayor

ATTEST:

City Clerk
City of Corona

CITY OF CORONA

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Hemet

CITY OF HEMET

By: _____

By _____
Mayo

Dated: _____

r

ATTEST:

City Clerk
City of Lake Elsinore

CITY OF LAKE ELSINORE

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Meniffee

CITY OF MENIFEE

By: _____

By _____
Mayor

Dated: _____

ATTEST:

City Clerk
City of Moreno Valley

By: _____

Dated: _____

CITY OF MORENO VALLEY

By _____
Mayor

ATTEST:

City Clerk
City of Murrieta

By: _____

Dated: _____

CITY OF MURRIETA

By _____
Mayor

ATTEST:

City Clerk
City of Norco

By: _____

Dated: _____

CITY OF NORCO

By _____
Mayor

ATTEST:

City Clerk
City of Perris

By: _____

Dated: _____

CITY OF PERRIS

By _____
Mayor

ATTEST:

City Clerk
City of Riverside

By: _____

Dated: _____

CITY OF RIVERSIDE

By _____
Mayor

ATTEST:

City Clerk
City of San Jacinto

By: _____

Dated: _____

CITY OF SAN JACINTO

By _____
Mayor

ATTEST:

City Clerk
City of Temecula

By: _____

Dated: _____

CITY OF TEMECULA

By _____
Mayor

ATTEST:

City Clerk
City of Wildomar

By: _____

Dated: _____

CITY OF WILDOMAR

By _____
Mayor

ATTEST:

Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By _____
Chairman

Dated: _____

FORM APPROVED COUNTY COUNSEL
BY: Karin Watts Baz 9/8/09
KARIN L. WATTS-BAZAN DATE

ATTEST:

Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By: _____
Chairman

Dated: _____

FORM APPROVED COUNTY COUNSEL
BY: Karin Watts Bazan 9/8/09
KARIN L. WATTS-BAZAN DATE

ATTEST:

Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

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Chairman

Dated: _____

FORM APPROVED COUNTY COUNSEL
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Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By _____
Chairman

Dated: _____

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BY: Karin Watts-Bazan 9/8/09
KARIN L. WATTS-BAZAN DATE

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Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By _____
Chairman

Dated: _____

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Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

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Chairman

Dated: _____

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BY: Karin Watts Bazan 9/8/09
KARIN L. WATTS-BAZAN DATE

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Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By: _____
Chairman

Dated: _____

FORM APPROVED COUNTY COUNSEL

BY: Karin Watts-Bazan
KARIN L. WATTS-BAZAN

DATE 9/8/09

ATTEST:

Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By _____
Chairman

Dated: _____

FORM APPROVED COUNTY COUNSEL

BY: Karin Watts-Bazan 9/8/09
KARIN L. WATTS-BAZAN DATE

ATTEST:

Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By _____
Chairman

Dated: _____

FORM APPROVED COUNTY/COUNSEL

BY:

Karin Watts-Bazan
KARIN L. WATTS-BAZAN

DATE

9/8/09

ATTEST:

Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By _____
Chairman

Dated: _____

FORM APPROVED COUNTY COUNSEL
BY: Karin Watts-Bazan 9/8/09
KARIN L. WATTS-BAZAN DATE

ATTEST:

Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By _____
Chairman

Dated: _____

FORM APPROVED COUNTY COUNSEL
BY: Karin Watts Bazan DATE 9/18/09
KARIN L. WATTS-BAZAN

ATTEST:

Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By _____
Chairman

Dated: _____

FORM APPROVED COUNTY COUNSEL

BY:

Karin Watts Bazan
KARIN L. WATTS-BAZAN

DATE

ATTEST:

Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By: _____
Chairman

Dated: _____

FORM APPROVED COUNTY COUNSEL
BY: Karin Watts Bazan 9/8/09
KARIN L. WATTS-BAZAN DATE

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County of Riverside

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By _____
Chairman

Dated: _____

FORM APPROVED COUNTY COUNSEL
BY: Karin Watts-Bazan 9/8/09
KARIN L. WATTS-BAZAN DATE

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Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By _____
Chairman

Dated: _____

FORM APPROVED COUNTY COUNSEL
BY: Karin Watts-Bazan DATE 9/8/09
KARIN L. WATTS-BAZAN

ATTEST:

Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By _____
Chairman

Dated: _____

FORM APPROVED COUNTY COUNSEL

BY: Karin Watts Baz 9/8/09

KARIN L. WATTS-BAZAN DATE

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Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By _____
Chairman

Dated: _____

FORM APPROVED COUNTY COUNSEL
BY: Karin Watts B
KARIN L. WATTS-BAZAN DATE 9/18/09

ATTEST:

Clerk of the Board
County of Riverside

COUNTY OF RIVERSIDE

By: _____

By _____
Chairman

Dated: _____

FORM APPROVED COUNTY COUNSEL

BY: Karin Watts Bazan 9/8/09
KARIN L. WATTS-BAZAN DATE