

FORM APPROVED COUNTY COUNSEL  
 BY: GREGORY P. PRIAMOS  
 DATE: 12/10/15

Departmental Concurrence

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

185



**FROM:** Executive Office

**SUBMITTAL DATE:**  
 December 9, 2015

**SUBJECT:** Adopt Western Riverside Council of Governments (WRCOG) Resolution 19-15, Amending its Bylaws to Recognize the Morongo Band of Mission Indians as a voting member on the Joint Powers Authority, and Approve an Amendment to the Joint Powers Agreement [no cost], [5<sup>th</sup> District].

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the attached Western Riverside Council of Governments (WRCOG) Resolution 19-15, Amending its Bylaws to Recognize the Morongo Band of Mission Indians as a voting member on the Joint Powers Authority;
2. Approve the attached amendment to the WRCOG Joint Powers agreement, adding the Morongo Band of Mission Indians to the governing board and authorize the Chairman of the Board to execute the amendment on behalf of the County;
3. Authorize the Executive Director of WRCOG to execute the attached Memorandum of Understanding between the Morongo Band of Mission Indians and WRCOG, pertaining to membership on the WRCOG governing board; and
4. Direct WRCOG staff to continue reaching-out to other Tribal governments in the subregion to encourage participation in WRCOG.

**BACKGROUND:**

**Summary**  
 (continued on page 2)

*Jennifer L. Sargent*  
 Jennifer L. Sargent  
 Principal Management Analyst

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	
SOURCE OF FUNDS: N/A				Budget Adjustment: N/A	
				For Fiscal Year: FY 2015/16	

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

BY: *George A. Johnson*  
 George A. Johnson

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.: \_\_\_\_\_ District: \_\_\_\_\_ Agenda Number: \_\_\_\_\_

3-53

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11: Adopt Western Riverside Council of Governments (WRCOG) Resolution 19-15, Amending its**  
**Bylaws to Recognize the Morongo Band of Mission Indians as a voting member on the Joint Powers Authority,**  
**and Approve an Amendment to the Joint Powers Agreement.**

**DATE: December 9, 2015**

**PAGE: 2 of 3**

**BACKGROUND:**

**Summary**

In 2007, the Executive Committee of WRCOG began exploring the possibility of including other agencies to create synergies on issues of regional importance. In 2008, WRCOG added to its Executive Committee the two largest water agencies in Western Riverside County (Eastern and Western Municipal Water Districts), as ex-officio members. In May 2009, both Eastern and Western Municipal Water Districts were added to the Executive Committee as voting members (excluding TUMF items). Subsequently, Riverside County Superintendent of Schools was added as an ex-officio member. Concurrently, WRCOG discussed its desire for Tribal governments' participation on the JPA. In 2007, WRCOG staff presented information on the JPA, its roles and responsibilities to the Tribal Relations Task Force, at the Torres Martinez Reservation.

In June 2012, Tribal Councilmember Charles Martin expressed a desire for the Morongo Band of Mission Indians to be added to the Executive Committee of WRCOG. Tribal Councilmember Martin explained that Morongo served on two Southern California Association of Governments' subcommittees, the Transportation and Human Development committees. In addition, Tribal Councilmember Martin indicated that since Morongo served on a larger regional scale, it made sense to also join its local regional jurisdiction, WRCOG. On April 10, 2013, WRCOG's Administration & Finance Committee recommended the Executive Committee consider adding the Morongo Band of Mission Indians to the Executive Committee as an ex-officio member for a trial period (as had been the case with the water districts and the Superintendent of Schools). On April 16, 2013, the Executive Committee approved the recommendation, and on June 14, 2013, the Executive Committee directed staff to develop a Memorandum of Understanding with Morongo.

Morongo Chairman, Robert Martin, has served as the Tribe's representative to WRCOG since that time. In addition, Michael Milhiser has served on the WRCOG Technical Advisory Committee.

Recently, Morongo expressed interest in participating in WRCOG as a full voting member, excluding TUMF items, similar to the two water districts. On June 10, 2015, the Administration & Finance Committee discussed membership and recommended the Executive Committee approve Morongo's request to participate on WRCOG as a full voting member (excluding TUMF items). In addition, the Administration & Finance Committee recommended WRCOG staff continue reaching out to the other tribes in the subregion to encourage their participation on WRCOG.

Currently, there are five Tribal governments within the WRCOG boundary. Four of these are gaming Tribes (Cahuilla, Morongo, Pechanga and Soboba), and one is a non-gaming Tribe (Ramona). Tribal membership varies from hundreds to thousands and each reservation varies in geographic size. The attached map shows each Tribe's location within the JPA's boundary.

**WRCOG Fiscal Impact:**

As a full-time member, membership dues would increase to \$17,000.

**Prior WRCOG Actions:**

June 10, 2015: The WRCOG Administration & Finance Committee directed staff and legal counsel to pursue the issue of full voting membership (with the exception of TUMF Program matters) on WRCOG for the Morongo Band of Mission Indians, and directed staff to continue reaching out to other tribes in the subregion regarding participation on WRCOG.

June 14, 2013: The WRCOG Executive Committee directed the WRCOG Executive Director to enter into a Memorandum of Understanding with the Morongo Band of Mission Indians to join WRCOG as an ex-officio, non-voting member.

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

**FORM 11:** Adopt Western Riverside Council of Governments (WRCOG) Resolution 19-15, Amending its Bylaws to Recognize the Morongo Band of Mission Indians as a voting member on the Joint Powers Authority, and Approve an Amendment to the Joint Powers Agreement.

**DATE: December 9, 2015**

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April 16, 2013: The WRCOG Executive Committee approved adding the Morongo Band of Mission Indians as an ex-officio, non-voting member, and to continue extending invitations to all other Western Riverside County Tribes to join, also.

March 13, 2013: The WRCOG Administration & Finance Committee recommended that the WRCOG Executive Committee consider approving the Morongo Band of Mission Indians as a WRCOG ex-officio member.

**Attachments:**

1. Map of Tribes in Western Riverside County.
2. WRCOG Resolution Number 19-15, a Resolution of the Executive Committee of the Western Riverside Council of Governments Amending its Bylaws to recognize the Morongo Band of Mission Indians as Voting Members.
3. Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments to Add the Morongo Band of Mission Indians to the WRCOG Governing Board.
4. Memorandum of Understanding between the Morongo Band of Mission Indians and the Western Riverside Council of Governments.
5. Letter Extending MOU by Written Agreement.
6. Memorandum of Understanding between the Morongo Band of Mission Indians and the Western Riverside Council of Governments Regarding Membership to the Governing Board of WRCOG.
7. Western Riverside Council of Governments Executive Committee Staff Report





## Western Riverside Council of Governments

County of Riverside • City of Banning • City of Calimesa • City of Canyon Lake • City of Corona • City of Eastvale • City of Hemet • City of Jurupa Valley  
City of Lake Elsinore • City of Menifee • City of Moreno Valley • City of Murrieta • City of Norco • City of Perris • City of Riverside • City of San Jacinto  
City of Temecula • City of Wildomar • Eastern Municipal Water District • Western Municipal Water District • Morongo Band of Mission Indians  
Riverside County Superintendent of Schools

### RESOLUTION NUMBER 19-15

#### **A RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS AMENDING ITS BY-LAWS TO RECOGNIZE THE MORONGO BAND OF MISSION INDIANS AS A VOTING MEMBER**

**WHEREAS**, the Western Riverside Council of Governments ("WRCOG") is a joint powers authority consisting of the County of Riverside and seventeen cities situated in Western Riverside County; and

**WHEREAS**, pursuant to Section 2.4.2 of the Joint Powers Agreement of WRCOG ("Agreement"), the WRCOG Executive Committee ("Committee") is authorized to exercise the powers of the Agreement between sessions of the General Assembly; and

**WHEREAS**, Section 2.4.1 of the Agreement includes the power to amend WRCOG's By-laws ("By-laws"); and

**WHEREAS**, the Committee desires to amend the By-laws to recognize the Morongo Band of Mission Indians as a voting member; and

**NOW, THEREFORE, BE IT RESOLVED** the Executive Committee of the Western Riverside Council of Governments does hereby amend its By-laws as follows:

**Section 1:** Article III, Section 1 of the By-laws is hereby amended to read as follows:

The Executive Committee will be composed of the Mayor from each of the member cities, four members of the Riverside County Board of Supervisors, the President of each water district, and the Tribal Chairman of the Morongo Band of Mission Indians; 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, and the Tribal Council of the Morongo Band of Mission Indians, at its discretion, can appoint another Tribal Council member in place of the Tribal Chairman.

**Section 2:** Article III, Section 5 of the By-laws is hereby amended to read as follows:

Each member city present shall have one vote in the Executive Committee, each County Supervisor present shall have one vote, each member water district present shall have one vote, and the representative of the Morongo Band of Mission Indians present shall have one vote. Only authorized members present or designated alternates acting when the regular member is absent may vote.

**Section 3:** Article IV, Section 1, Subsection C of the By-laws is hereby amended to read as follows:

C. Membership. The TAC is comprised of an Executive from the County of Riverside, the City Manager from each of WRCOG's member cities, the General Manager from each of WRCOG's member water districts, and the Chief Administrative Officer from the Morongo Band of Mission Indians. A City Manager, Water District General Manager, and Chief Administrative Officer of the Morongo Band of Mission Indians may appoint an alternate who is a department head of the agency.

Section 4: This Resolution shall become effective upon the effective dates of the "Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments to Add the Morongo Band of Mission Indians to the WRCOG Governing Board" and the "Memorandum of Understanding Between the Morongo Band of Mission Indians and the Western Riverside Council of Governments Regarding Membership to the Governing Board of WRCOG."

**PASSED AND ADOPTED** at a Meeting of the Executive Committee of the Western Riverside Council of Governments held this 6th day of July, 2015.

  
\_\_\_\_\_  
Brian Tisdale, Chair  
WRCOG Executive Committee

  
\_\_\_\_\_  
Rick Bishop, Secretary  
WRCOG Executive Committee

Approved as to form:

  
\_\_\_\_\_  
Steven DeBaun  
WRCOG Legal Counsel

AYES: 18

NOES: 1

ABSENT: 4

ABSTAIN: 0



## Western Riverside Council of Governments

County of Riverside • City of Banning • City of Calimesa • City of Canyon Lake • City of Corona • City of Eastvale • City of Hemet • City of Jurupa Valley  
City of Lake Elsinore • City of Menifee • City of Moreno Valley • City of Murrieta • City of Norco • City of Perris • City of Riverside • City of San Jacinto  
City of Temecula • City of Wildomar • Eastern Municipal Water District • Western Municipal Water District • Morongo Band of Mission Indians  
Riverside County Superintendent of Schools

### **AMENDMENT TO THE JOINT POWERS AGREEMENT OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS TO ADD THE MORONGO BAND OF MISSION INDIANS TO THE WRCOG GOVERNING BOARD**

This Amendment to the Joint Powers Agreement ("Amendment") is made and entered into on the 6th day of July, 2015, by and between seventeen cities located within western Riverside County and the County of Riverside (collectively the "Parties").

#### RECITALS

WHEREAS, the Parties 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 Morongo Band of Mission Indians ("Morongo") has approached WRCOG to express that their involvement in WRCOG will be beneficial to both WRCOG member agencies and Morongo; and

WHEREAS, Morongo and WRCOG believe that by working together Western Riverside County will be better positioned to address challenges of the region; and

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

WHEREAS, pursuant to Government Code sections 6500 et seq., the Parties to the JPA desire to amend the JPA to add Morongo 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: Sections 2.4.1 and 2.4.2 to the JPA are hereby amended to read as follows:

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, the Western Municipal Water District, the Eastern Municipal Water District, and the Morongo Band of Mission Indians ("Morongo"), 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, water district board member, and tribal council 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, the President of each Water District, and the Tribal Chairman of Morongo; 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, each water district board, at its discretion, can appoint another Board member in place of the President, and the Tribal Council of Morongo, at its discretion, can appoint another Tribal Council member in place of the Tribal Chairman. 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 Morongo on the General Assembly and Executive Committee of WRCOG shall be conditioned on Morongo entering into a separate Memorandum of Understanding with WRCOG.

Section 2: Section 2.18 of the JPA is hereby amended to read as follows:

2.18 TUMF Matters – Water Districts and Morongo.

Pursuant to this JPA, WRCOG administers the Transportation Mitigation Fee ("TUMF") for cities in Western Riverside County. The fee was established prior to the Water District's and Morongo'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, the Eastern Municipal Water District, and Morongo 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 3: Section 3.5 of the JPA is hereby amended to read as follows:

3.5 Contributions from Water Districts and the Morongo Band of Mission Indians.

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

Section 4: This Amendment is to become effective upon execution by not less than two-thirds (2/3) of all the parties that are currently signatories to the JPA.

Section 5: All other provisions and terms of the JPA are to remain unchanged.

Section 6: This Amendment may be executed in counterparts.

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

[SIGNATURES ON FOLLOWING PAGES]



ATTEST:

COUNTY OF RIVERSIDE

Clerk of the Board of Supervisors

By: \_\_\_\_\_

By: \_\_\_\_\_

Chairman, Board of Supervisors

Dated: \_\_\_\_\_

FORM APPROVED COUNTY COUNSEL

BY: M.R. Cushman 12/10/15

ATTEST:

MELISSA R. CUSHMAN

DATE CITY OF BANNING

City Clerk  
City of Banning

By: \_\_\_\_\_

By: \_\_\_\_\_

Mayor

Dated: \_\_\_\_\_

ATTEST:

CITY OF CALIMESA

City Clerk  
City of Calimesa

By: \_\_\_\_\_

By: \_\_\_\_\_

Mayor

Dated: \_\_\_\_\_

ATTEST:

CITY OF CANYON LAKE

City Clerk  
City of Canyon Lake

By: \_\_\_\_\_

By: \_\_\_\_\_

Mayor

Dated: \_\_\_\_\_

ATTEST:

City Clerk  
City of Corona

By: \_\_\_\_\_

Dated: \_\_\_\_\_

CITY OF CORONA

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Eastvale

By: \_\_\_\_\_

Dated: \_\_\_\_\_

CITY OF EASTVALE

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Hemet

By: \_\_\_\_\_

Dated: \_\_\_\_\_

CITY OF HEMET

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Jurupa Valley

By: \_\_\_\_\_

Dated: \_\_\_\_\_

CITY OF JURUPA VALLEY

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Lake Elsinore

By: \_\_\_\_\_

Dated: \_\_\_\_\_

CITY OF LAKE ELSINORE

By: \_\_\_\_\_  
Mayor

ATTEST:

City Clerk  
City of Menifee

By: \_\_\_\_\_

Dated: \_\_\_\_\_

CITY OF MENIFEE

By: \_\_\_\_\_  
Mayor

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



## Western Riverside Council of Governments

County of Riverside • City of Banning • City of Calimesa • City of Canyon Lake • City of Corona • City of Eastvale • City of Hemet • City of Jurupa Valley  
City of Lake Elsinore • City of Menifee • City of Moreno Valley • City of Murrieta • City of Norco • City of Perris • City of Riverside • City of San Jacinto  
City of Temecula • City of Wildomar • Eastern Municipal Water District • Western Municipal Water District • Morongo Band of Mission Indians  
Riverside County Superintendent of Schools

### **MEMORANDUM OF UNDERSTANDING BETWEEN THE MORONGO BAND OF MISSION INDIANS AND THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS REGARDING MEMBERSHIP TO THE GOVERNING BOARD OF WRCOG**

This Memorandum of Understanding ("MOU") is made this 6th day of July 2015, by and between the MORONGO BAND OF MISSION INDIANS ("Morongo") and the WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS ("WRCOG" or "Council"). Morongo and WRCOG are sometimes collectively referred to as the "PARTIES."

#### RECITALS

WHEREAS, the Amended Joint Powers Agreement between the seventeen cities located within Western Riverside County and the County of Riverside entered into on April 1, 1991 (the "JPA") authorizes Morongo to have membership on the Governing Board of WRCOG; and

WHEREAS, the term of the PARTIES' memorandum of understanding, dated June 4, 2013, authorizing Morongo's membership as an ex-officio, non-voting member of WRCOG, ended on June 30, 2015; and

WHEREAS, Morongo's membership on the General Assembly and Executive Committee (collectively "Governing Board") of WRCOG is conditioned on Morongo entering into this MOU; and

WHEREAS, Morongo desires to have membership on the Governing Board of WRCOG.

#### MUTUAL UNDERSTANDINGS

NOW, THEREFORE, in consideration of the foregoing facts, the PARTIES wish to memorialize the following mutual understandings:

1. Governing Board Membership. Morongo will become a voting member of the Governing Board of WRCOG and such other committees as directed by the WRCOG Executive Committee effective July 6, 2015. Morongo's membership on the Governing Board of WRCOG and its committees shall be governed by the applicable provisions of the JPA and this MOU.
2. Duration of Membership. Morongo's membership on the Governing Board of WRCOG and its committees shall continue until such time as the JPA is amended to terminate such membership, or until terminated as provided in section 4 below.
3. Membership Dues. Morongo will pay membership dues in the amount of \$17,000 for Fiscal Year 2015/2016. Dues shall be paid within 45 days of receipt of an invoice. The dues amount for subsequent fiscal years shall be set through the WRCOG budget process.

4. Termination. Either party may terminate this MOU upon sixty (60) days written notice. Upon termination, Morongo will be entitled to a pro-rata share of dues paid based on time remaining for the fiscal year. Additionally, termination of this MOU terminates Morongo's membership on the WRCOG Governing Board.

5. Transportation Uniform Mitigation Fees (TUMF) Provisions. This MOU shall not provide Morongo rights with respect to TUMF funding, and Morongo shall not be entitled to vote on TUMF matters.

6. Amendment. This MOU may be amended in writing by mutual agreement of the PARTIES.

7. Hold Harmless and Indemnity. The Hold Harmless and Indemnity provisions of the JPA shall apply to Morongo's participation in WRCOG.

8. Government Code Section 6502. Nothing in this MOU shall be construed to make Morongo a contracting party of the JPA or WRCOG under Government Code section 6502.

9. Effective Date. This MOU shall become effective upon the effective date of the "Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments to Add the Morongo Band of Mission Indians to the WRCOG Governing Board."

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

MORONGO BAND OF MISSION INDIANS

WESTERN RIVERSIDE COUNCIL  
OF GOVERNMENTS

By: \_\_\_\_\_  
Robert Martin  
Tribal Chairman

By: \_\_\_\_\_  
Brian Tisdale  
Executive Committee Chairman

APPROVED AS TO FORM

By: \_\_\_\_\_  
General Counsel  
Best Best & Krieger, LLP



## Western Riverside Council of Governments

County of Riverside • City of Banning • City of Calimesa • City of Canyon Lake • City of Corona • City of Eastvale • City of Hemet • City of Jurupa Valley  
City of Lake Elsinore • City of Menifee • City of Moreno Valley • City of Murrieta • City of Norco • City of Perris • City of Riverside • City of San Jacinto  
City of Temecula • City of Wildomar • Eastern Municipal Water District • Western Municipal Water District • Morongo Band of Mission Indians  
Riverside County Superintendent of Schools

June 11, 2014

Robert Martin, Tribal Chairperson  
Morongo Band of Mission Indians  
12700 Pumarra Road  
Banning, CA 92220

Subject: Letter Extending MOU by Written Agreement

Dear Mr. Martin:

On June 4, 2013, the MORONGO BAND OF MISSION INDIANS ("Morongo") and the WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS ("WRCOG") entered into a MEMORANDUM OF UNDERSTANDING ("MOU") which set forth the understanding of the parties regarding Morongo's position as an ex-officio, non-voting member of WRCOG in order to help address the challenges of the region.

Pursuant to section 3 of the MOU, Morongo and WRCOG may extend the ex-officio arrangement by written agreement. This letter of extension constitutes Morongo and WRCOG's mutual written agreement to extend the ex-officio arrangement through June 30, 2015, unless earlier terminated as provided in the MOU.

To affirm and agree to the extension of Morongo's position as an ex-officio, non-voting member of WRCOG, as set forth in this letter, please sign and return this letter to WRCOG.

Sincerely,

By:

  
Jeff Stone  
Chair, Executive Committee

Affirmed and Agreed  
MORONGO BAND OF MISSION INDIANS

By:

  
Robert Martin  
Tribal Chairperson



**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
MORONGO BAND OF MISSION INDIANS  
AND THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS  
AUTHORIZING THE MORONGO BAND OF MISSION INDIANS'  
MEMBERSHIP AS AN EX-OFFICIO, NON-VOTING MEMBER OF WRCOG**

THIS MEMORANDUM OF UNDERSTANDING is made and effective this 4 day of June, 2013, by and between the MORONGO BAND OF MISSION INDIANS ("Morongo") and the WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS ("WRCOG"). Morongo and WRCOG are sometimes collectively referred to as the "PARTIES."

**RECITALS**

- A. Pursuant to Article III, Section 6, Paragraph H of the By-Laws, the Executive Committee may provide for additional ex-officio, non-voting members for the effective conduct of the business of the organization.
- B. Morongo desires to become an ex-officio, non-voting member of WRCOG.
- C. WRCOG and Morongo believe that by working together Western Riverside County will be better positioned to address challenges of the region.

**MUTUAL UNDERSTANDINGS**

NOW, THEREFORE, in consideration of the foregoing facts, the PARTIES wish to memorialize by this Memorandum of Understanding, the following mutual understandings:

- 1. **Membership.** Morongo will be an ex-officio, non-voting member of WRCOG.
- 2. **Powers and Limitations of Membership.**
  - A. A representative of Morongo ("Morongo's Representative") may attend meetings of the WRCOG Executive Committee. Morongo may appoint an alternative member in the event of an absence of Morongo's Representative. Morongo shall be an ex-officio, non-voting member of the WRCOG Technical Advisory Committee ("TAC").
  - B. Morongo will be allowed a position at the dais for all meetings.
  - C. As an ex-officio, non-voting member, Morongo's Representative will not have a vote on any matters, but may fully participate in discussions, except as set forth in Section 6.A., below.
  - D. Morongo's Representative may participate in the work of the

committees of the WRCOG.

E. Morongo will have all the powers of an ex-officio, non-voting member of WRCOG, including suggesting agenda items for the Executive Committee and TAC.

3. **Duration of Membership.** Morongo's membership in WRCOG will be one year from the date first hereinabove written. After one year from the date this Memorandum is signed, both PARTIES shall decide: 1) if Morongo shall be provided a vote on the Executive Committee by subsequent agreement and amendment to the JPA to so provide, or 2) if Morongo shall continue the ex-officio arrangement pursuant to this Memorandum of Understanding, in which case this Memorandum of Understanding can be extended by written agreement of WRCOG's Chair and Morongo's Tribal Chairperson.

4. **Membership Dues.** Morongo shall pay membership dues in the amount of \$10,000 per year. Dues shall be paid forty-five (45) days after receipt of an invoice. The dues amount for subsequent years shall be set through the WRCOG budget process.

5. **Termination.** Either party may terminate this Memorandum of Understanding upon sixty (60) days written notice. Upon termination, Morongo shall be entitled to a pro-rate share of dues paid based on time remaining for the fiscal year.

6. **Transportation Uniform Mitigation Fees (TUMF) Provisions.**

A. It is anticipated that Morongo will not participate in discussions regarding TUMF.

B. Morongo has no rights or privileges with respect to TUMF funding. No provision in this Memorandum of Understanding shall be construed to give Morongo a stake in the TUMF portion of WRCOG activities.

7. **Amendment.** This Memorandum of Understanding may be amended in writing by mutual agreement of the PARTIES.

IN WITNESS WHEREOF, the PARTIES have caused this Memorandum of Understanding to be effective as of the day first written above.

**MORONGO BAND OF MISSION  
INDIANS**

By: \_\_\_\_\_

Name: Robert Martin

Tribal Chairperson

**WESTERN RIVERSIDE COUNCIL OF  
GOVERNMENTS**

By: \_\_\_\_\_

Name: Jeff Stone

Chair, Executive Committee



## Western Riverside Council of Governments Executive Committee

### Staff Report

**Subject:** Morongo Band of Mission Indians' Membership in WRCOG

**Contact:** Rick Bishop, Executive Director, [bishop@wrcog.cog.ca.us](mailto:bishop@wrcog.cog.ca.us), (951) 955-8303

**Date:** July 6, 2015

#### Requested Actions:

1. Adopt WRCOG Resolution Number 19-15; A Resolution of the Executive Committee of the Western Riverside Council of Governments amending its Bylaws to Recognize the Morongo Band of Mission Indians as voting members.
2. Recommend that each member jurisdiction of the WRCOG subregion execute an Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments to Add the Morongo Band of Mission Indians to the WRCOG Governing Board.
3. Authorize the WRCOG Executive Director to execute a Memorandum of Understanding between the Morongo Band of Mission Indians and the Western Riverside Council of Governments regarding Membership to the Governing Board of WRCOG.
4. Direct staff to continue to reach out to other tribes located in the subregion for purposes of participation in WRCOG.

For several years, WRCOG has discussed including Tribes as WRCOG members. There are six Tribes in the WRCOG subregion. Three are gaming Tribes (Morongo, Pechanga, and Soboba), and three are non-gaming Tribes (Cahuilla, Ramona, and Santa Rosa). Each Tribe's total membership varies from hundreds to thousands, and each reservation varies in geographic size. The attached map shows each Tribe's location in relation to WRCOG's subregion.

WRCOG's Executive Committee has from time to time contemplated adding Tribes, but it was not until a joint retreat of the Executive and the Technical Advisory Committees in 2007 when the issue of Tribal involvement in WRCOG resurfaced. It was at that time that staff was directed to meet with the various Tribes in the subregion. The matter was brought up partly because of the increased working relationships between the Tribes and Riverside County. As a direct result of these conversations, WRCOG staff provided a presentation to the Tribal Relations Task Force at the Torres Martinez Reservation regarding WRCOG, its roles, and responsibilities.

Around the same time, the Executive Committee began to explore expansion to include other agencies in order to create synergies on issues of regional importance. In late 2007 WRCOG began to engage in dialogue and took steps to include the two largest water agencies in Western Riverside County (Eastern and Western Municipal Water Districts) on its Executive Committee. By 2008, both Eastern and Western Water Districts were sitting on the Executive Committee as ex-officio members on a one-year trial basis. In May of 2009, WRCOG admitted both Eastern and Western Municipal Water Districts as voting members on the Executive Committee (no voting rights on TUMF issues).

Following the expansion of WRCOG to include water agencies, the Executive and Technical Advisory Committees met during a retreat in January 2010. At that time a recommendation to include the Riverside

County Superintendent of Schools on the Executive Committee was approved. Later in the year, the Executive Committee brought aboard the Riverside County Superintendent of Schools as an ex-officio member.

During WRCOG's General Assembly in June 2012, Tribal Councilmember Charles Martin approached then WRCOG Chairman Jim Hyatt about adding the Morongo Band of Mission Indians to the Executive Committee of WRCOG. Tribal Councilmember Martin explained that Morongo served on two of the Southern California Association of Government's subcommittees, including the Transportation and Human Development Committees. Tribal Councilmember Martin also indicated that since Morongo served on a larger regional scale, it would make sense to have Morongo join its local regional jurisdiction, WRCOG.

On April 10, 2013, WRCOG's Administration & Finance Committee recommended that the Executive Committee consider adding the Morongo Band of Mission Indians to the Executive Committee as an ex-officio member for a trial period (as had been the case with the water districts and the Superintendent of Schools). On April 16, 2013, the Executive Committee approved the recommendation, and a Memorandum Of Understanding with Morongo was entered into subsequent to the Executive Committee's direction on June 14, 2013. The Morongo Chairman (Robert Martin) has served as the Tribe's representative to WRCOG since that time. Michael Milhiser has served on the WRCOG Technical Advisory Committee.

Recently, Morongo has expressed an interest in participating in WRCOG in the same manner that the two water districts do (full time voting members except on TUMF items). The Administration & Finance Committee discussed membership and, on June 10, 2015, recommended that the Executive Committee approve its request to provide for the Morongo Band of Mission Indians to participate on WRCOG as a full voting member (except on TUMF items). The Administration & Finance Committee also recommended that WRCOG staff continue to reach out to the other tribes in the subregion regarding participation on WRCOG.

#### **Prior WRCOG Actions:**

- June 10, 2015: The WRCOG Administration & Finance Committee directed staff and legal counsel to pursue the issue of full voting membership (with the exception of TUMF Program matters) on WRCOG for the Morongo Band of Mission Indians, and directed staff to continue to reach out to other tribes in the subregion regarding participation on WRCOG.
- June 14, 2013: The WRCOG Executive Committee directed the WRCOG Executive Director to enter into a Memorandum of Understanding with the Morongo Band of Mission Indians to join WRCOG as an ex-officio, non-voting member.
- April 16, 2013: The WRCOG Executive Committee approved adding the Morongo Band of Mission Indians as an ex-officio, non-voting member, and continue to extend an invitation to all other Western Riverside County Tribes to join as well.
- March 13, 2013: The WRCOG Administration & Finance Committee recommended that the WRCOG Executive Committee consider approving the Morongo Band of Mission Indians as a WRCOG ex-officio member.

#### **WRCOG Fiscal Impact:**

As a full-time member, membership dues would increase to \$17,000.

#### **Attachments:**

1. Map of Tribes in Western Riverside County.
2. Memorandum of Understanding between the Morongo Band of Mission Indians and the Western Riverside Council of Governments.
3. Letter Extending MOU by Written Agreement.
4. Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments to Add the Morongo Band of Mission Indians to the WRCOG Governing Board.
5. Memorandum of Understanding between the Morongo Band of Mission Indians and the Western Riverside Council of Governments Regarding Membership to the Governing Board of WRCOG.

6. WRCOG Resolution Number 19-15, a Resolution of the Executive Committee of the Western Riverside Council of Governments Amending its Bylaws to recognize the Morongo Band of Mission Indians as Voting Members.