

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

515
(2221)



FROM: County Counsel

SUBMITTAL DATE:
September 13, 2016

SUBJECT: Fourth Amendment to Sunline Joint Powers Transportation Agency Agreement [District 4] [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Fourth Amendment to the Sunline Joint Powers Transportation Agency Agreement, adding a term that allows the Sunline Joint Powers Transportation Agency to provide a stipend of no more than \$150.00 for attendance at Board meetings and subcommittee meetings.

BACKGROUND:

Summary

The Sunline Joint Powers Transportation Agency Agreement was originally entered into on or about May 20, 1977 by the County of Riverside and various cities in the Coachella Valley. The original agreement does not provide a stipend to alleviate travel costs for its members to attend board meetings or subcommittee meetings, this amendment would remedy that oversight.



Gregory P. Priamos
County Counsel

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 checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

SOURCE OF FUNDS:

Budget Adjustment: N/A

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 5/4/13; 3.12

District: 4

Agenda Number:

2-6

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Fourth Amendment to Sunline Joint Powers Transportation Agency Agreement [District
4] [\$0]**

DATE: September 13, 2016

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

Sunline Transit Agency consists of the County of Riverside and a mix of charter and general law cities. Cities and counties are authorized to compensate their city councils and boards of supervisors. (Cal. Const. Art. XI, §§ 1(b) [counties], 5(b)(4) [charter cities]; Cal Gov. Code § 36516 [general law cities].) There are no limits on the amount of compensation that may be paid to the county board of supervisors or to the city council of a charter city. General law cities are subject to caps on compensation based on the population of the city unless additional compensation is approved by the voters. General law cities are also limited in how much compensation they can pay their city council members for attendance at meetings of another body. Government Code section 36516(c) limits a city council's compensation to no more than \$150.00 per month for each board, commission, or other similar body.

The authority of a joint powers agency can be no greater than the powers inherent in its members. The general law city members of Sunline Transit Agency are limited by Government Code section 36516 in the amount of compensation that city council members may be paid per month for attendance at meetings of another body. The Fourth Amendment provides for compensation within the authority of the most restrict applicable law.

The Board of Directors of the Sunline Joint Powers Transportation Agency have recommended, and is now asking each member agency to approve an amendment to the Joint Powers Agreement to provide a stipend of not more than \$150.00 to its members for attendance at Board meetings and subcommittee meetings.

Impact on Citizens and Businesses

N/A

Attachments

Fourth Amendment to Sunline Joint Powers Transportation Agency Agreement

FOURTH AMENDMENT TO SUNLINE JOINT POWERS TRANSPORTATION AGENCY AGREEMENT

This Fourth Amendment to SunLine Joint Powers Transportation Agency Agreement ("Fourth Amendment") is entered into by and between the COUNTY OF RIVERSIDE, the CITY OF COACHELLA, the CITY OF INDIO, the CITY OF LA QUINTA, the CITY OF INDIAN WELLS, the CITY OF PALM DESERT, the CITY OF RANCHO MIRAGE, the CITY OF PALM SPRINGS, the CITY OF CATHEDRAL CITY, and the CITY OF DESERT HOT SPRINGS (collectively, the "Parties"), and any other public agencies which subsequently becomes parties to the Agreement. This Fourth Amendment is made and entered into on the date last executed by the Parties hereto.

RECITALS

A. SunLine Transit Agency is a joint powers agency established by the SunLine Joint Powers Transportation Agency Agreement (the "Agreement") on or about May 20, 1977.

B. The first amendment to the Agreement was approved on or about June 11, 1991, and a second amendment to the Agreement was approved on or about March 31, 1992. A third amendment to the Agreement was prepared in 2013 but SunLine is still in the process of obtaining all of the required signatures for that third amendment.

C. The Parties desire to enter into this Fourth Amendment to revise the Agreement to include specific authority for the Board of Directors to receive compensation for attendance at Board and committee meetings consistent with State law.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the promises made and recited herein, the parties do hereby enter into this Fourth Amendment which modifies and amends the Agreement as follows:

1. **AMENDMENT**. Section 3 (Board of Directors), paragraph E (Meetings) is amended to add a new subparagraph 3, to read as follows:

"3) Compensation

The Board may, by resolution, provide Board members a stipend for attendance at Board meetings and subcommittee meetings, provided that the maximum stipend a Board member may receive shall be one hundred fifty dollars (\$150) per month consistent with the limitations on compensation for service on a commission, committee, board, authority, or similar body applicable to general law cities in Government Code section 36516(c), or such other amount as may be applicable to general law cities or joint powers agencies in the future."

2. GENERAL PROVISIONS.

2.1 **Remainder Unchanged.** Except as specifically modified and amended in this Fourth Amendment, the Agreement, as amended, remains in full force and effect and binding upon the parties.

2.2 **Applicable Law.** The laws of the State of California shall govern the interpretation and enforcement of this Fourth Amendment.

2.3 **References.** All references to the Agreement include all their respective terms and provisions. All defined terms utilized in this Fourth Amendment have the same meaning as provided in the Agreement, unless expressly stated to the contrary in this Fourth Amendment.

2.4 **Counterparts.** This Fourth Amendment may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment to the Agreement on the date and year first written above.

CITY OF DESERT HOT SPRINGS

Dated: _____

By: _____

Name: _____

Title: _____

ATTEST:

_____, City Clerk

APPROVED AS TO FORM

_____, City Attorney

CITY OF PALM SPRINGS

Dated: _____

By: _____

Name: _____

Title: _____

ATTEST:

_____, City Clerk

APPROVED AS TO FORM

_____, City Attorney

CITY OF PALM DESERT

Dated: _____

By: _____

Name: _____

Title: _____

ATTEST:

_____, City Clerk

APPROVED AS TO FORM

_____, City Attorney

CITY OF INDIO

Dated: _____

By: _____

Name: _____

Title: _____

ATTEST:

_____, City Clerk

APPROVED AS TO FORM

_____, City Attorney

CITY OF COACHELLA

Dated: _____

By: _____

Name: _____

Title: _____

ATTEST:

_____, City Clerk

APPROVED AS TO FORM

_____, City Attorney

CITY OF LA QUINTA

Dated: _____

By: _____

Name: _____

Title: _____

ATTEST:

_____, City Clerk

APPROVED AS TO FORM

_____, City Attorney

CITY OF INDIAN WELLS

Dated: _____

By: _____

Name: _____

Title: _____

ATTEST:

_____, City Clerk

APPROVED AS TO FORM

_____, City Attorney

CITY OF RANCHO MIRAGE

Dated: _____

By: _____

Name: _____

Title: _____

ATTEST:

_____, City Clerk

APPROVED AS TO FORM

_____, City Attorney

CITY OF CATHEDRAL CITY

Dated: _____

By: _____

Name: _____

Title: _____

ATTEST:

_____, City Clerk

APPROVED AS TO FORM

_____, City Attorney

COUNTY OF RIVERSIDE

Dated: _____

By: _____

ATTEST:

APPROVED AS TO FORM

KB Valdez 8/25/16
Kristine Bell Valdez
Deputy County Counsel

SAMPLE STAFF REPORT

Date: _____, 2016

To: Honorable Mayor and City Council Members

From: _____

Re: Fourth Amendment to SunLine Joint Powers Transportation Agency Agreement

RECOMMENDATION:

That the City Council approve the Fourth Amendment to the SunLine Joint Powers Transportation Agency Agreement

BACKGROUND:

In May 1977, the County of Riverside and the incorporated cities in the Coachella Valley entered into the SunLine Joint Powers Transportation Agency Agreement in order to collectively provide a public transportation system in the Coachella Valley. Since that time, the agreement was amended twice in the early 1990s related to taxicab regulation, and a third amendment was promulgated in 2013 to eliminate weighted voting but that third amendment is still in the process of being approved by the member agencies.

On May 25, 2016, the SunLine Transit Agency Board of Directors directed its staff to prepare a proposed fourth amendment to the agreement to specify that the Board of Directors may receive compensation for their attendance at Board meetings and Board subcommittee meetings. As a joint powers agencies that includes the County, charter cities and general law cities, SunLine may pay compensation to its Board members consistent with the law applicable to its member agencies. The law places no limits on the compensation to members of the Board of Supervisors and City Council members in charter cities, but general law cities are subject to the limitations in Government Code section 36516. SunLine has requested that the agreement be revised to specifically authorize the Board members to receive stipends for their attendance at meetings consistent with the limitations applicable to general law cities. The amount of such stipends will be set by resolution of the SunLine Board and will be paid out of SunLine funds.

FISCAL IMPACT:

There is no direct fiscal impact to the City by approving this Fourth Amendment.