

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

504



**FROM:** County Counsel

**SUBMITTAL DATE:**  
April 25, 2013

**SUBJECT:** Third Amendment to SunLine Joint Powers Agreement

**RECOMMENDED MOTION:** That the Board of Supervisors approve the attached Third Amendment to the SunLine Transit Agency Joint Powers Agreement, deleting "weighted voting" from the Agreement.

**BACKGROUND:** 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 provided a mechanism whereby a SunLine Agency Board Member could require "weighted voting" for any item coming before the Board. Such "weighted voting" was based upon the number of annual transit service hours requested by each party to the Agreement as reflected by the Agency budget for the then current fiscal year. Since the formation of the JPA however, the mechanism for establishing transit service through each agencies' jurisdiction has changed so that the

(continued on Page 2)

*Marsha L. Victor*  
\_\_\_\_\_  
Marsha L. Victor for  
Ram Walls, County Counsel

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	

<b>SOURCE OF FUNDS:</b> 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: *Denise C. Harden*  
Denise C. Harden

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Benoit and Ashley  
Nays: None  
Absent: Stone  
Date: May 14, 2013  
xc: Co.Co.

Kecia Harper-Ihem  
Clerk of the Board  
*Kecia Harper-Ihem*  
Deputy

2013 MAY - 1 6:55 PM  
RECEIVED RIVERSIDE COUNTY

Dept's Recomm.:

Per Exec. Ofc.:

Departmental Concurrence

members no longer request annual transit service hours.

The Board of Directors of the SunLine Transit Agency has recommended, and is now asking each member agency to approve, an amendment to the JPA to eliminate the outdated "weighted voting" provision.

WHEN DOCUMENT IS FULLY EXECUTED RETURN

**CLERK'S COPY**

to Riverside County Clerk of the Board, Stop 1010

Post Office Box 1147, Riverside, Ca 92502-1147

Thank you.

**THIRD AMENDMENT TO**

**SUNLINE JOINT POWERS TRANSPORTATION AGENCY AGREEMENT**

**THIS THIRD AMENDMENT TO SUNLINE JOINT POWERS TRANSPORTATION AGENCY AGREEMENT** (the "Third Amendment") is made and 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 become Parties to the Agreement. This Third Amendment is made and entered into on the date last executed by the Parties hereto.

**RECITALS:**

A. The SunLine Joint Powers Transportation Agency Agreement (the "Ageement") was made and entered into on or about May 20, 1977.

B. The First Amendment to the Agreement (the "First Amendment") was made and entered into by and between the Parties in June 1991.

C. The Second Amendment to the Agreement (the "Second Amendment") was made and entered into by and between the Parties in or about October 1991.

D. When originally enacted, the Agreement provided a mechanism whereby a SunLine Transit Agency Board Member (a "Board Member") could require "weighted voting" for any item coming before the Board. Such weighted voting was based upon "the number of annual transit service hours requested by each party to the Agreement as reflected by the SunLine budget for the then current fiscal year."

E. Subsequent to the adoption of the JPA, the mechanism for establishing transit service through each member agencies' various jurisdictions has changed such that the Parties no longer request annual transit service hours. As a consequence, weighted voting as provided for in the Agreement is no longer viable.

F. The Parties therefore desire to enter into this Third Amendment to eliminate all references to weighted voting.

**NOW THEREFORE**, the Parties hereto, for and in consideration of the mutual promises and covenants contained herein, **HEREBY AGREE AS FOLLOWS:**

**AGREEMENT:**

**SECTION 1:** Section 3G "VOTING" is hereby amended to read in its entirety as follows: "Each member of the Board shall have one vote."

**SECTION 2:** Section 3H "QUORUM, MAJORITY VOTE" is hereby amended to read in its entirety as follows:

"(1) Quorum: The number of members sufficient to constitute a quorum shall be fifty percent (50%) of the total number of Parties to SunLine plus one (rounded to the nearest whole number). The Board may take no official action in any instance where less than a quorum is present.

(2) Majority Vote:

(a) Adoption of by-laws, amendment of by-laws, adoption of annual budget, and such other matters as the Board may designate shall require a majority vote of the entire membership of the Board.

(b) All other actions taken by the Board shall require a majority vote of the quorum in attendance.

(c) An abstention shall be considered neither an affirmative nor a negative vote, but the presence of the member abstaining shall be counted in determining whether or not there is a quorum in attendance. All other actions taken by the Board shall require a majority vote of the quorum in attendance.

**SECTION 3:** Except as so expressly amended, the JPA, as modified by the First and Second Amendments, shall remain in full force and effect as executed by the Parties thereto.

IN WITNESS WHEREOF, the Board of Supervisors of the COUNTY OF RIVERSIDE, and the City Councils of the cities of COACHELLA, INDIO, LA QUINTA, INDIAN WELLS, PALM DESERT, RANCHO MIRAGE, PALM SPRINGS, CATHEDRAL CITY, and DESERT HOT SPRINGS have each authorized execution of this Third Amendment as evidenced by the authorized signatures below.

COUNTY OF RIVERSIDE

By: *John J. Benoit*  
**JOHN J. BENOIT**  
Chairman, Board of Supervisors

ATTEST:

~~By: \_\_\_\_\_  
County Clerk, County of Riverside~~

APPROVED AS TO FORM:

By: *J.R. Dieter*, *4/26/13*  
County Counsel, County of Riverside

ATTEST:

KECIA HARPER-IHEM, Clerk  
By: *Kecia Harper-Ihem*  
DEPUTY

**CITY OF COACHELLA**

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

Mayor

**ATTEST:**

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

City Clerk, City of Coachella

**APPROVED AS TO FORM:**

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

City Attorney, City of Coachella

**CITY OF INDIO**

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

Mayor

**ATTEST:**

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

City Clerk, City of Indio

**APPROVED AS TO FORM:**

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

City Attorney, City of Indio

**CITY OF LA QUINTA**

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

Mayor

**ATTEST:**

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

City Clerk, City of La Quinta

**APPROVED AS TO FORM:**

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

City Attorney, City of La Quinta

**CITY OF INDIAN WELLS**

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

Mayor

**ATTEST:**

By: \_\_\_\_\_  
City Clerk, City of Indian Wells

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
City Attorney, City of Indian Wells

**CITY OF PALM DESERT**

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

Mayor

**ATTEST:**

By: \_\_\_\_\_  
City Clerk, City of Palm Desert

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
City Attorney, City of Palm Desert

**CITY OF RANCHO MIRAGE**

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

Mayor

**ATTEST:**

By: \_\_\_\_\_  
City Clerk, City of Rancho Mirage

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
City Attorney, City of Rancho Mirage

**CITY OF PALM SPRINGS**

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

Mayor

**ATTEST:**

By: \_\_\_\_\_  
City Clerk, City of Palm Springs

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
City Attorney, City of Palm Springs

**CITY OF CATHEDRAL CITY**

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

Mayor

**ATTEST:**

By: \_\_\_\_\_  
City Clerk, City of Cathedral City

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
City Attorney, City of Cathedral City

**CITY OF DESERT HOT SPRINGS**

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

Mayor

**ATTEST:**

By: \_\_\_\_\_  
City Clerk, City of Desert Hot Springs

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
City Attorney, City of Desert Hot Springs