

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



**ITEM**  
3.11  
(ID # 3360)

**MEETING DATE:**

Tuesday, February 7, 2017

**FROM :** COUNTY COUNSEL:

**SUBJECT:** COUNTY COUNSEL: 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 terms that designate the powers of the JPA pursuant to Government Code Section 6509, and allow the Sunline Joint Powers Transportation Agency to provide a stipend of no more than \$150.00 for attendance at Board meetings and subcommittee meetings.

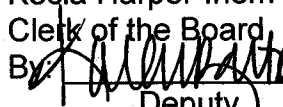
**ACTION: Consent**

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Tavaglione, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington and Ashley  
Nays: None  
Absent: None  
Date: February 7, 2017  
xc: Co.Co.

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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

**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 designate a choice of law that will apply and does not provide a stipend to alleviate travel costs for its members to attend board meetings or subcommittee meetings. This amendment would remedy these oversites.

**A. Government Code Section 6509 Designation of Powers**

Sunline Transit Agency consists of the County of Riverside and a mix of charter and general law cities. Generally, the authority of a joint powers agency can be no greater than the powers inherent in its members. Government Code section 6509 states that the power of a joint powers agency "is subject to the restrictions upon the manner of exercising the power of one of the contracting parties, which party shall be designated by the agreement." Since most of SunLine's members are charter cities, this Fourth Amendment specifically designates charter city powers as those applicable to the joint powers agency pursuant to Government Code Section 6509.

**B. Compensation for Attendance at Meetings**

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].) General Law cities are 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 General Law city council's compensation to no more than \$150.00 per month for each board, commission, or other similar body. 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. The Fourth Amendment provides for compensation within General Law authority, which is the most restrictive applicable law.

The 4<sup>th</sup> amendment will not increase the compensation provided to the Supervisor assigned to the Sunline Joint Powers Transportation Agency. Riverside County Ordinance 440 sets the compensation for the Supervisors, and Section 9 (c) authorizes a stipend for a Supervisor who is appointed to and participates in Boards or commissions to reimburse for travel and expenses. A travel expenses stipend of \$50.00 is designated as required by Ordinance 440, and Government Code Section 25008.

Section 6 of Ordinance 440 requires that any compensation that is received from a third party, including Sunline Joint Powers Transportation Agency, must be deposited with the County Treasury no later than the 5<sup>th</sup> day of the month following its receipt. Therefore, the Supervisor appointed to the JPA would be required to remit the \$150.00 payment to the Treasury. The County ratifying the proposed 4<sup>th</sup> amendment to the JPA agreement would not violate Ordinance 440, so long as the stipend from the JPA was turned over to the County Treasury.

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

**C. Recommendation from SunLine JPA Board of Directors**

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS: N/A</b>			<b>Budget Adjustment:</b>	N/A
			<b>For Fiscal Year:</b>	N/A

**C.E.O. RECOMMENDATION:** Approve

**Impact on Residents and Businesses**

N/A

**SUPPLEMENTAL:**

**Additional Fiscal Information**

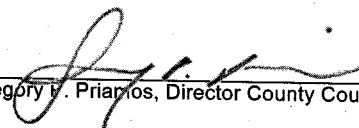
N/A

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS:**

**ATTACHMENT A. Fourth Amendment to the Subline Joint Powers Transportation Agency Agreement**

  
 \_\_\_\_\_  
 Gregory V. Priamos, Director County Counsel 1/9/2017

**CLERK'S COPY**

to Riverside County Clerk of the Board, Stop 1010  
Post Office Box 1147, Riverside, Ca 92502-1147  
Thank you.

**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 and all necessary signatures were obtained in 2016.

C. A previous version of this Fourth Amendment was prepared and circulated to the member agencies for approval earlier this year, but the Fourth Amendment was not unanimously approved by the member agencies.

C. This revised Fourth Amendment amends 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, and ratifies previous payments made to the Board of Directors.

**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.**

**1.1 Section 2 (Authority) is amended to read as follows:**

"Pursuant to Section 6500 et seq., of the California Government Code there is hereby created a public entity to be known as "SUNLINE", a public entity separate and apart from the individual parties to this Agreement. Pursuant to Section 6509 of the California Government Code, the laws of the State of California applicable to cities organized under a charter, shall govern SUNLINE in the matter of exercising its powers, subject, however to such restrictions as are applicable to charter cities in the manner of exercising such powers, as required by Government Code Section 6509."

1.2 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. Notwithstanding Section 2 of this Agreement, the maximum stipend a Board member may receive shall be 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), as such section may be amended from time to time."

2. **RATIFICATION OF PAST PAYMENTS.** The parties hereby ratify all payments that have been made by the Agency to the Board of Directors as compensation for attendance at Board meetings and subcommittee meetings.

3. **GENERAL PROVISIONS.**

3.1 **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.

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

3.3 **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.

3.4 **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: \_\_\_\_\_

4/16/17

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



Name: Charles L. Maynard  
Title: City Manager

ATTEST:

  
\_\_\_\_\_  
Jerryl Soriano, City Clerk

APPROVED AS TO FORM

  
\_\_\_\_\_  
Jennifer A. Mizrahi, 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: \_\_\_\_\_


\_\_\_\_\_, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_, City Attorney

CITY OF PALM SPRINGS

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

By:   
Name: David H. Ready  
Title: City Manager

ATTEST:

  
Kathleen D. Hart, City Clerk  
↑  
Interim

APPROVED BY CITY COUNCIL

Amend. 4 1/18/17 A1281  
I.F.

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 PALM SPRINGS**

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

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_, City Attorney

**CITY OF PALM DESERT**

Dated: JANUARY 26, 2017

By: 

Name: JAN C. HARNIK


Title: MAYOR

ATTEST:



  
RACHELLE D. KLASSEN, City Clerk  
CITY OF PALM DESERT

APPROVED AS TO FORM

  
ROBERT W. HARGREAVES, City Attorney  
CITY OF PALM DESERT

**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 INDIO**

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

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_, City Attorney

**CITY OF COACHELLA**

Dated: January 11, 2017

By: 

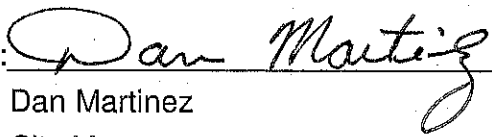
Name: Steven A. Hernandez

Title: Mayor

ATTEST:

CITY OF INDIO


Dated: 1-30-17

By:   
Dan Martinez  
City Manager

ATTEST:

  
CYNTHIA HERNANDEZ  
City Clerk

APPROVED AS TO FORM

  
ROXANNE DIAZ  
City Attorney

\_\_\_\_\_, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_, City Attorney

**CITY OF LA QUINTA**

Dated: 1 March 2017

By:   
Name: Frank J. Spivacek  
Title: City Manager

ATTEST:

  
Susan Maysels, City Clerk

APPROVED AS TO FORM

  
William H. Ihrke, City Attorney

**CITY OF INDIAN WELLS**

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

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Angela M. Zepeda, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Carlos Campos, 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 LA QUINTA**

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

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

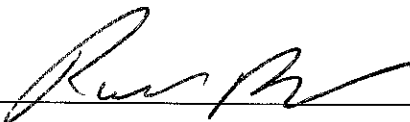
\_\_\_\_\_, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_, City Attorney

**CITY OF INDIAN WELLS**

Dated: February 16, 2017

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


Name: Richard Balocco

Title: Mayor

ATTEST:

  
\_\_\_\_\_  
Anna Grandys, City Clerk

APPROVED AS TO FORM

  
\_\_\_\_\_  
Stephen P. Deutsch 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

**CITY OF RANCHO MIRAGE**

Dated: 01/19/2017

By:   
Name: Ted Weill  
Title: Mayor

ATTEST:

  
Kristie Ramos, City Clerk (Acting)

APPROVED AS TO FORM

  
Steve Quintanilla, City Attorney

**CITY OF CATHEDRAL CITY**

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

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:



\_\_\_\_\_, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_, City Attorney

**CITY OF RANCHO MIRAGE**

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

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

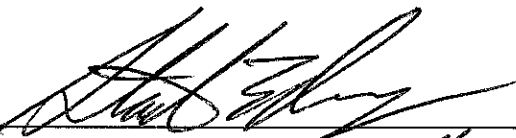
\_\_\_\_\_, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_, City Attorney

**CITY OF CATHEDRAL CITY**

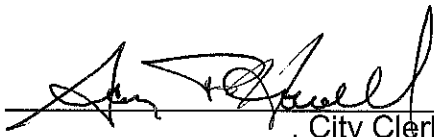
Dated: 1/11/2017

By: 

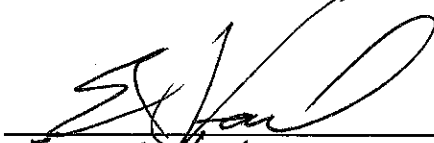
Name: STANLEY E. HENRY

Title: MAYOR

ATTEST:

  
\_\_\_\_\_, City Clerk

APPROVED AS TO FORM

  
\_\_\_\_\_, City Attorney

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

COUNTY OF RIVERSIDE

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

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_

APPROVED AS TO FORM

\_\_\_\_\_  
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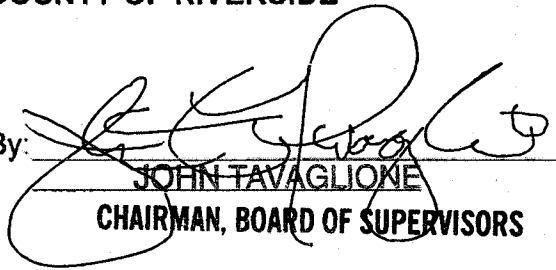
\_\_\_\_\_, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_, City Attorney

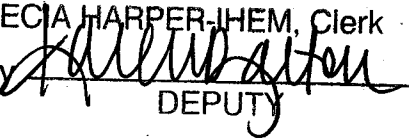
Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

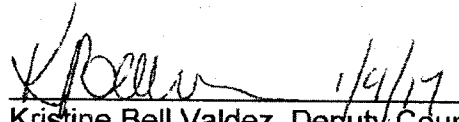
By:   
\_\_\_\_\_  
JOHN TAVAGLIONE  
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

\_\_\_\_\_

ATTEST:  
KECIA HARPER-IHEM, Clerk  
By:   
\_\_\_\_\_  
DEPUTY

APPROVED AS TO FORM

 1/4/17  
\_\_\_\_\_  
Kristine Bell Valdez, Deputy County Counsel