



City Council Staff Report

DATE: January 21, 2015 CONSENT CALENDAR

SUBJECT: APPROVAL OF AMENDMENT NO. 3 TO AGREEMENT NO. 1281 THE JOINT POWERS AGREEMENT FOR SUNLINE TRANSIT AGENCY TO DELETE THE "WEIGHTED VOTING" PROVISIONS.

FROM: David H. Ready, City Manager

BY: Chief of Staff/City Clerk

SUMMARY

The City Council will consider an amendment to the current Joint Powers Agreement for Sunline Transit Agency to delete "weighted voting."

RECOMMENDATION:

1. Approve Amendment No. 3 to Agreement No. 1281 the Sunline Joint Powers Agreement with the County of Riverside and the cities of the Coachella Valley.
2. Authorize the City Manager to execute Amendment No. 3 to Agreement on behalf of the City of Palm Springs.

STAFF ANALYSIS:

In May 1977, the County of Riverside and cities of the Coachella Valley entered into the subject JPA in order to collectively provide for a public transportation system. Since that time, the JPA has been amended twice in 1991 in order to incorporate provisions for the regulation of taxicabs as they relate to an overall public transportation system locally.

The Sunline Transit Agency Board recommended its member agencies approve the Third Amendment to the JPA. Its purpose is to delete "weighted voting" from the original agreement, and this deletion is recommended because it is no longer possible to calculate each member agency's weighted vote.

Weighted voting, as contain in the Agreement, allocated votes to each of Sunline's member agencies based upon each agency's "number of annual transit service hours requested by that respective agency as reflected by the Sunline budget for the fiscal

year." Weighted voting entitled each Boardmember to vote one vote for each annual transit service hour for the agency the member represents.


Transit service, however, is not provided based upon requests for service hours by member agencies. Moreover, transit service in the Coachella Valley is neither allocated nor accounted for based upon service hours in any particular jurisdiction. As such, it is consequently impossible to calculate any agency's "weighted vote" as provided for in the Agreement.

The Board of Directors therefore has recommended the Joint Powers Agreement be amended to eliminate the anachronism of "weighted voting," as currently in practice, each Sunline member has one vote. Councilmember Hutcheson is the City of Palm Springs Representative to Sunline, and voted in support of the amendment.

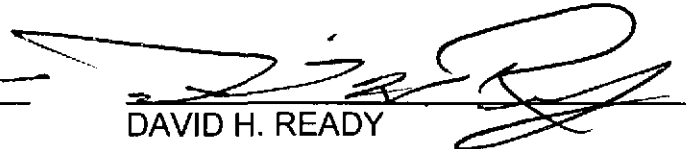
The County of Riverside, the City of Coachella, Indio, La Quinta, Indian Wells, Palm Desert, Rancho Mirage and Desert Hot Springs have approved Amendment No. 3 to the Sunline Joint Powers Agreement.

FISCAL IMPACT:

There is no fiscal impact to the City by approving the subject Third Amendment to the Sunline Joint Powers Transportation Agreement.



JAMES THOMPSON
Chief of Staff/City Clerk



DAVID H. READY
City Manager

Attachments:

Letter from Sunline Transit Agency
Third Amendment



A Public Agency

February 15, 2013

James Thompson, City Clerk
City of Palm Springs
3200 E Tahquitz Canyon Way
Palm Springs, CA 92264

Dear Mr. Thompson,

On January 23, 2013, the SunLine Transit Agency Board of Directors recommended that its member agencies approve the Third Amendment (the "Third Amendment") to the SunLine Joint Powers Transportation Agency Agreement (the "Agreement") attached to this letter. The purpose of the Third Amendment is to delete "weighted voting" from Sections 3(G) and 3(H) of the Agreement. This deletion is recommended because it is no longer possible to calculate each member agency's weighted vote.

Weighted voting, as contained in the Agreement, allocates votes to each of SunLine's member agencies based upon each agency's "number of annual transit service hours requested by that respective party as reflected by the SunLine budget for the then current fiscal year." Weighted voting entitles each Board member to vote one vote for each annual transit service hour budgeted for the party which the member represents." (Agreement, Section 3(G).) Transit service, however, is not provided based upon requests for service hours by member agencies. Moreover, transit service in the Valley is neither allocated nor accounted for based upon service hours in any particular jurisdiction. It is consequently impossible to calculate any member's "weighted vote" as provided for in the Agreement. The Board of Directors therefore has recommended that the Agreement be amended to eliminate the anachronism of "weighted voting."

The Board of Directors of SunLine Transit Agency has requested that each member agency endorse the Board's recommendation that the member agency adopt the Third Amendment to the Agreement at an upcoming agency meeting.

Please contact me upon approval of the Amendment. I will then arrange to obtain the Mayor's signature on our original document.

Should you have any questions concerning this matter, please do not hesitate to contact General Counsel for SunLine Transit Agency, Jeff Goldfarb, at (714) 641-3488.

Sincerely,

Carolyn Rude
Clerk of the Board

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 “Agreement”) 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 Transportation 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: _____

President, Board of Supervisors

ATTEST:

By: _____

County Clerk, County of Riverside

APPROVED AS TO FORM:

By: _____

County Counsel, County of Riverside

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