Legislation Details (With Text)

File #:	20-0293 **Version:** 1		
Type:	Consent - Staff Report	**Status:**	Agenda Ready
		In control:	City Council Regular Meeting
On agenda:	10/6/2020	**Final action:**	
Title:	Consideration of a Resolution Approving Second Amended and Restated Joint Powers Agreement for the South Bay Regional Public Communications Authority (City Manager Moe). ADOPT RESOLUTION NO. 20-0116 APPROVING SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Resolution No. 20-0116, 2. Second Amendment and Restated Joint Powers Agreement - South Bay Regional Public Communications Authority, 3. Second Amendment and Restated Joint Powers Agreement (Track Changes)		

Date	Ver.	Action By	Action	Result
10/6/2020	1	City Council Regular Meeting		

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Bruce Moe, City Manager

FROM:
George Gabriel, Senior Management Analyst

SUBJECT:
Consideration of a Resolution Approving Second Amended and Restated Joint Powers Agreement for the South Bay Regional Public Communications Authority (City Manager Moe).
ADOPT RESOLUTION NO. 20-0116 APPROVING SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT

RECOMMENDATION:
Staff recommends that the City Council adopt Resolution No. 20-0116 approving the Second Amended Joint Powers Agreement for the South Bay Regional Public Communications Authority ("Authority").

FISCAL IMPLICATIONS:
There are no fiscal implications associated with the recommended action.

BACKGROUND:
The member cities of Gardena, Hawthorne, and Manhattan Beach entered into the original Joint Powers Agreement and established the Authority (also known as the "RCC") in 1975. In 2001, the member cities amended their agreement with an Amended and Restated Joint Powers Agreement.

DISCUSSION:
The Authority's General Counsel has identified deficiencies within the Amended and Restated Joint Powers Agreement and recommends that a Second Amended and Restated Joint Powers Agreement ("JPA") be adopted by the Authority's three (3) member cities.

This Second Amended and Restated JPA was reviewed and discussed by the Authority's Board of Directors on April 14, 2020. As an outcome of that discussion, the Board directed RCC staff to coordinate the consideration of the Second Amended JPA Agreement for approval by the City Councils of the Authority's member cities. Councilmember Stern represents the City on the RCC's Board of Directors.

As proposed, the Second Amended and Restated JPA would clarify and/or explicitly state that:

- The Second Amended and Restated Joint Powers Agreement ("Agreement") replaces and supersedes the First Amended Joint Powers Agreement in its entirety.
- Authority for entering into this agreement is derived from California law under the "Joint Powers Act."
- The Authority's By-Laws must be consistent with state law and the Agreement.
- If a conflict arises between the Agreement and the Authority's By-Laws, the Agreement prevails.
- Per Section 6509 of the Joint Powers Act, the Authority is restricted in the exercise of its powers in the same manners as the City of Hawthorne.
- Pursuant to Government Code Section 6508.1, the retirement liabilities of the Authority shall be debts, liabilities, and obligations of the individual public agencies which are signatory to this Agreement to the extent and in such manner provided by the Joint Powers Act, including but not limited to Sections 6508.1 and 6508.2 therein (i.e., upon termination of the retirement plan contract, or a decision by the Board of Directors to dissolve or cease the operations of the Authority).
- The Treasurer and Controller of the Authority is the City Treasurer of the City of Manhattan Beach.
- The governing body of the Authority is its Board of Directors, specify the criteria for member representation on the Board of Directors, and outline how its meetings shall be conducted.
- The Board of Directors is vested with all of the rights, powers, duties, privileges and immunities of the Authority, including the powers to adopt Authority policy, amend the By-Laws, and adopt the annual budget, none of which not be delegated to any other body.
- The Executive Director is required to file an official bond in a minimum amount of $100,000, which may be in the form of a public employees blanket bond or an insurance policy providing coverage equivalent to or greater than the loss protections provided by such a fidelity bond. The Authority shall pay the cost of premiums associated with the bond.
- Upon dissolution, the member cities agree to apportion the Authority's public agencies' retirement obligations among themselves in such a manner that the agreement equals 100 percent of the Authority's retirement liability.

The Second Amended and Restated Joint Powers Agreement will be effective immediately upon its approval by all three of the Authority's member cities. As of October 6, 2020, both Hawthorne and Gardena have approved the amended agreement.

Upon execution of the Agreement by all cities, RCC staff will file a copy with the California Secretary of State pursuant to Section 6503.5 of the Joint Powers Act and with the California Controller and the local agency formation commission in the County of Los Angeles pursuant to Section 6503.6 of the Joint Powers Act.

CONCLUSION:
Staff recommends that the City Council adopt Resolution No. 20-0116 approving the Second Amended Joint Powers Agreement for the South Bay Regional Public Communications Authority.

LEGAL REVIEW:
The City Attorney has approved the amendment as to form.

ATTACHMENTS:
1. Resolution No. 20-0116
2. Second Amended and Restated Joint Powers Agreement - South Bay Regional Public Communications Authority
3. Second Amended and Restated Joint Powers Agreement (Tracked Changes)