

REPORT TO THE CITY COUNCIL



DATE: February 7, 2017

TITLE: Revised Fourth Amendment to SunLine Joint Powers Transportation Agency Agreement

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RECOMMENDATION

Approve the Revised 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.

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 agency 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. A Fourth Amendment was prepared and circulated to the member agencies, but some concerns with the language caused one member city to reject the amendment.

The Board reconsidered the issue and directed staff to prepare a revised version of the Fourth Amendment for consideration by the member agencies.

DISCUSSION

This revised fourth amendment is similar to the previous version in that it specifically authorizes 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. However, this version of the Fourth Amendment also includes a provision pursuant to Government Code section 6509, which 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 states that SunLine's powers are limited in the same manner as the charter city members. With respect to Board compensation, however, there is an additional provision that ensures compensation will be in line with the powers of a general law city, and not a charter city.

FISCAL IMPACT

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

EXHIBIT(S)

1) Revised Fourth Amendment to Sunline Joint Powers Transportation Agency Agreement