



Staff Report

File #: 22-0036

REQUEST FOR CITY COUNCIL ACTION

DATE: 01/19/2022

TO: Honorable Mayor and City Council Members

FROM: City Manager's Office

SUBJECT:

Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments.

EXECUTIVE SUMMARY:

Councils of Governments (COGs) are voluntary associations that represent member local governments, mainly cities and counties, that seek to provide cooperative planning, coordination, and technical assistance on issues of mutual concern that cross jurisdictional lines. The City of Corona is a Western Riverside Council of Governments (WRCOG) member agency and is represented on the Executive Committee by a member appointed by the City Council. The practices, roles, and needs of WRCOG have evolved over the past three decades since it was formed. From time to time, through recommendations of the Executive Committee, updates are considered to the Joint Powers Agreement (JPA) requiring approval of a two-thirds majority of the member agencies.

RECOMMENDED ACTION:

That the City Council approve the Amendment to the Joint Powers Agreement with the Western Riverside Council of Governments.

BACKGROUND & HISTORY:

Councils of Governments (COGs) are voluntary associations that represent member local governments, mainly cities and counties, that seek to provide cooperative planning, coordination, and technical assistance on issues of mutual concern that cross jurisdictional lines. In this sense, COGs serve to develop consensus on many issues that need to be addressed in a subregional or regional context. If properly structured, COG duties complement and do not duplicate jurisdictional activities and serve to unify jurisdictions and agencies on matters of mutual concern. COGs are independent of their individual members and have their own governance structure.

Jurisdictions typically agree to form COGs following discussion and negotiation on common goals and objectives, which are usually consummated by execution of a Joint Powers Agreement (JPA). In most cases, adoption of a JPA is specifically authorized by state law. In the case of California, JPA authority is granted under Section 6500 et. seq. of the Government Code.

The Joint Powers Agreement (JPA) of the Western Riverside Council of Governments (WRCOG) was made and entered into on April 1, 1991. From time to time, through recommendations of the Executive Committee, updates are considered to the JPA requiring approval of a two-thirds majority of the member agencies. The City of Corona is a WRCOG member agency and is represented on the Executive Committee by a member appointed by the City Council, which currently is Councilmember Casillas.

ANALYSIS:

The practices, roles, and needs of WRCOG have evolved over the past three decades. The processes outlined in the formation document (Joint Powers Agreement) should be updated periodically to capture changes in the needs, intent, and focus of the Executive Committee.

A WRCOG subcommittee has met to evaluate and propose changes to WRCOG's Joint Powers Agreement. The group met over a series of months and identified several substantive changes along with several formatting and/or stylistic changes. The group has convened and completed its work.

The Joint Powers Agreement is attached as proposed clean (exhibit 1) and redline (exhibit 2) versions. A list of key changes to the JPA is listed below. The full scope of redlined changes is included as exhibit 2.

The changes are intended to:

1. Remove references to the membership of the Morongo Band of Mission Indians.
 - Morongo Band of Mission Indians withdrew from WRCOG in 2020.
2. Modernize language and processes, including removal of references to the use of member agency employees to perform day-to-day WRCOG Agency business.
 - Early in WRCOG's establishment, staff from member agencies would assist in day-to-day WRCOG Agency business. Agency staff members no longer assist in day-to-day WRCOG business.
3. Completely revise indemnity language.
 - To better articulate WRCOG's responsibility to indemnify its member agencies - the old language has been stricken and new verbiage has been added.
4. Remove an outdated arbitration provision.
 - The arbitration provision was overly complex and appeared to assume that multiple members would be involved in the arbitration, which would no longer be the case given WRCOG's significantly greater management responsibility since the JPA was first drafted in the early 1990s.

FINANCIAL IMPACT:

No financial impact.

ENVIRONMENTAL ANALYSIS:

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is

covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action is merely authorizing the Council to approve an amendment, and there is no possibility that adopting this resolution will have a significant effect on the environment. Therefore, no environmental analysis is required.

PREPARED BY: DENZEL MAXWELL, ASSISTANT TO THE CITY MANAGER

REVIEWED BY: ROGER BRADLEY, ASSISTANT CITY MANAGER

Attachments:

1. Exhibit 1: WRCOG Joint Powers Agreement - Clean
2. Exhibit 2: WRCOG Joint Powers Agreement - Redlined