

City of Los Alamitos

**Agenda Report
Consent Calendar**

**September 21, 2009
Item No: 8G**

To: Mayor Troy Edgar and Members of the City Council

Via: Jeffrey L. Stewart, City Manager

From: Steven Mendoza, Director of Community Development

Subject: Consideration of Resolution Approving Amended Joint Powers Agreement, including Bylaws, for the Orange County Council of Governments (OCCOG), which Redefines Board Membership, Voting Provisions, Dues and other OCCOG Operational Issues

Summary: The Orange County Council of Governments (OCCOG) is requesting cities to consider the amended and restated Joint Powers Agreement. Adoption of this Resolution would commit the City to annual dues at a cost currently of \$2,187.44. This item was held over from the September 8, 2009 meeting to respond to questions of Council.

Recommendation:

1. Adopt Resolution No. 2009-17, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING AN AMENDED AND RESTATED ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG) JOINT POWERS AGREEMENT; and,
2. Authorize the Mayor to execute the amended and restated Joint Powers Agreement and transmit the signed OCCOG Joint Powers Agreement to the OCCOG Interim Executive Director.

Background

This item was presented on September 8, 2009 and carried over to clarify the following issues:

Do OCCOG Board Members receive a stipend to attend the meetings?

No, the funding created by the City's contribution will go toward administrative costs including legal fees. In the past there has been speculation that the lack of stipend has discouraged attendance, but at this time, there is no stipend.

Attendance of the representative of District 20 Westminster Councilmember, Mr. Andy Quach?

OCCOG staff has provided information regarding Mr. Quach attendance at OCCOG meetings. Mr. Quach was appointed on April 23, 2009. He has attended two out of the four meetings held since his appointment. He was present on April 23, 2009, and June 25, 2009. He was not in attendance at the May, 28, 2009 meeting nor at the August 27, 2009 Meeting. There was no meeting in July. The next meeting is September 24, 2009.

Can Measure M Funds be used for this expenditure?

No. The current Measure M Program was passed by the voters in 1990 as a major traffic relief program and to supplement city's road maintenance programs. Measure M has a variety of funding programs for funding improvements such as major freeways, traffic signals, transit, street widening, pavement maintenance and such. The Measure M Ordinance is specific to each fund and clear that cities can ONLY use the funds for the intended purposes of each program. Cities may NOT use the funds for expenses not directly related to an approved project. In particular the funds discussed at the council meeting were the city local turn back funds that must be used for road maintenance purposes. The pavement management program update is viewed by OCTA; the fund administrator as a tool to managing the cities road maintenance and is therefore an eligible cost. OCTA reviews all costs for projects. In addition there is an appointed Citizens Oversight Committee that reviews all project expenses and reports to OCTA regarding eligible costs.

Discussion

As a 40-member Joint Powers Authority, OCCOG serves as an official Orange County subregion of the Southern California Association of Governments (SCAG). OCCOG, through its Board of Directors of elected Orange County representatives, its representatives of SCAG's Governing Board and policy committees, and its Technical Advisory Committee, provides a coordinated mechanism for Orange County technical and member agencies.

To date, OCCOG has been administered by the Orange County Division, League of California Cities through in-kind staff support donated by various generous cities and funding through grants from the Southern California Association of Governments (SCAG) and other agencies. Key areas include:

- Protecting Orange County interests in SCAG's adoption of a Regional Housing Needs Assessment (RHNA) allocation to local jurisdictions in the six-county SCAG region;
- Participating in the development of Orange County Projections in response to SCAG's Growth Forecast;

- Providing regional recommendations on new requirements relating to SB 375 and its Sustainable Communities Strategy, which seeks to reduce greenhouse gas emissions by shifting future and higher-intensity growth near transit stations and facilities.

Forty agencies, including the City of Los Alamitos, are currently members of OCCOG. Member Agencies include all Orange County cities, the County of Orange, Orange County Transportation Authority, the Transportation Corridor Agencies, and Orange County special districts, including the Orange County Sanitation District and the Independent Special Districts of Orange County.

The Proposal seeks to create a formal Joint Powers Authority that will amend and restate the original Joint Powers Agreement in order to update OCCOG's administration and establish an OCCOG Executive Director; streamline and make consistent provisions relating to the Joint Powers Agreement and OCCOG bylaws; and, update the references to the member agencies and the voting on the OCCOG Board.

Further, it establishes an annual membership dues to assist in financing its operation – which had been previously absorbed by cities volunteering staff time – and which was a key recommendation of the Orange County City Managers Association; and, it will broaden the powers of OCCOG to be able to retain staff and consultants to conduct its responsibilities as a SCAG subregion.

Membership in OCCOG effectively serves and protects the interests of the community. Already, a new cycle of RHNA, updated growth forecasts, and a 2012 regional transportation plan, are under technical development at SCAG. Overlaid with these traditional requirements will be the new requirements imposed by SB 375, which mandate that land use, RHNA, and transportation planning be integrated and accomplished within a framework of air quality and greenhouse gas emissions reductions. To date, 18 cities have supported the Agreement:

With the separation of the Orange County Division, League of California Cities and OCCOG several years ago, the administrative support services of the OCCOG were transferred over to the City of Mission Viejo on an interim basis in October 2006, upon recommendation of the Orange County City Managers Association (OCCMA). Since the inception of OCCOG, no membership dues have been collected to finance OCCOG's operation.

With the revisions of the JPA provisions, OCCMA also recommended that an initial dues structure be created, as the OCCOG transitions to the Orange County Transportation Authority, to be able to assist in funding for administrative support, technical support functions, and OCCOG legal support services.

Membership dues are calculated on the basis of a population-based formula similar to that used by the League of California Cities, Orange County Division. OCCOG dues for FY 2009-10 are \$2,187.44. This is a new cost to the City that will need to be absorbed in the City's budget.

Fiscal Impact

Membership dues are calculated on a population-based formula. Based on the City of Los Alamitos population, the annual dues are \$2,187.44 which is an unbudgeted item. Sufficient funds are available by re-allocating Travel & Meeting funds from Community Development (\$700), Administrative Services (\$500), City Manager's Office (\$500) and Police Administration (\$500).

Submitted By:

Approved By:

Steven Mendoza
Director of Community Development

Jeffrey L. Stewart
City Manager

Reviewed By:

Nita McKay
Assistant City Manager

Attachments: 1) Resolution No. 2009-17, including Exhibit A – **Agreement & Bylaws**
 2) 2009-10 OCCOG Membership Dues
 3) OCCOG Information Sheet