

CITY OF YUBA CITY
STAFF REPORT

Date: May 19, 2009
To: Honorable Mayor & Members of the City Council and
From: Administration
Presentation By: Steven R. Jepsen, City Manager

Summary

Subject: First Amendment to the Sutter-Butte Flood Control Agency Joint Powers Agreement
Recommendation: Approve an Amendment to the Sutter-Butte Flood Control Agency Joint Powers Agreement Altering the Quorum Representation Requirement from Seven Member Agencies to Six Member Agencies
Fiscal Impact: None

Background:

In November 2007, the City entered into a Joint Powers Agreement (JPA) establishing the Sutter-Butte Flood Control Agency (SBFCA) with Sutter and Butte counties, the cities of Live Oak, Gridley and Biggs, and Levee Districts No. 1 and 9. The JPA currently defines a quorum as eight board members representing seven of the eight member agencies. The Agency Board consists of 13 members and 8 alternates representing the eight member agencies.

Analysis:

At the SBFCA's March 25, 2009 meeting, board members voted to recommend that each member agency consider an amendment to the JPA agreement altering the quorum requirement. This request is in response to the lack of quorum at two previous board meetings. The requested amendment will change the quorum requirement to have representation from six member agencies instead of seven. The total number of board members required (8) would remain the same.

Fiscal Impact:

Approving this amendment does not have a fiscal impact.

Alternatives:

In order to amend the JPA, the member agencies must unanimously approve an amendment. If the City does not approve the amendment, no changes will be made to the quorum requirement.

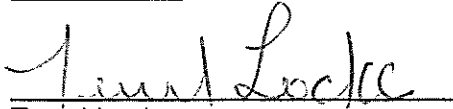
Recommendation:

Approve an Amendment to the Sutter-Butte Flood Control Agency Joint Powers Agreement Altering the Quorum Representation Requirement from Seven Member Agencies to Six Member Agencies.

Attachments:

First Amendment to the Sutter-Butte Flood Control Agency Joint Powers Agreement

Prepared By:



Terrel Locke
Administrative Analyst

Submitted By:



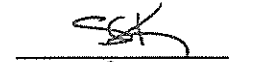

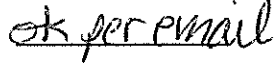
Steven R. Jepsen
City Manager

Reviewed By:

Assistant City Manager

Finance

City Attorney

**FIRST AMENDMENT TO THE
SUTTER-BUTTE FLOOD CONTROL AGENCY
JOINT EXERCISE OF POWERS AGREEMENT**

This First Amendment to the Sutter-Butte Flood Control Agency Joint Exercise of Powers Agreement (“Amendment”) is entered into on this ____ day of _____, 2009, by and between the following parties (collectively, the “Parties”):

- a. County of Sutter
- b. County of Butte
- c. City of Yuba City
- d. City of Live Oak
- e. City of Gridley
- f. City of Biggs
- g. Levee District 1
- h. Levee District 9
- i. Sutter County Water Agency

WITNESSETH THAT:

WHEREAS, the Sutter-Butte Flood Control Agency (“SBFCA”) has been in existence for over one year, during which time two board meetings have been cancelled due to lack of a quorum of board members; and

WHEREAS, under the Agreement, eight board members representing seven of the eight parties that sit on the board of directors must be represented to constitute a quorum (Sutter County Water Agency is a signatory to the Agreement but is represented on the board by Sutter County); and

WHEREAS, in order to avoid meeting cancellations in the future, the Parties wish to amend the Agreement that would change the quorum requirement to require only six of eight parties (eight board members total would still be required).

NOW, THEREFORE, the Parties agree to amend the Sutter-Butte Flood Control Agency Joint Exercise of Powers Agreement as follows:

1. The first sentence of Article II, Section 11 (Quorum) shall be replaced by the following:

“Eight (8) of the Directors with at least six Parties represented by at least one Director each shall constitute a quorum for the purposes of transacting the

Agency's general business."

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed on the day indicated below.

CITY OF YUBA CITY

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

COUNTY OF SUTTER

By: _____
Chairperson

Date: _____

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Counsel

CITY OF LIVE OAK

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF GRIDLEY

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF BIGGS

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

COUNTY OF BUTTE

By: _____
Chairperson

Date: _____

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Counsel

LEVEE DISTRICT 1

By: _____
Chairperson

Date: _____

ATTEST:

Secretary

APPROVED AS TO FORM:

Counsel for District

LEVEE DISTRICT 9

By: _____
Chairperson

Date: _____

ATTEST:

Secretary

APPROVED AS TO FORM:

Counsel for District

**SUTTER COUNTY WATER
AGENCY**

By: _____
Chairperson

Date: _____

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Counsel