

STAFF REPORT
City of Lancaster

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MVB

Date: March 13, 2012
To: Mayor Parris and City Council Members
From: Mark Bozigian, City Manager
Brenda Gamlowski, Management Analyst II
Subject: **Approval of AVTA Amended and Restated JPA**

Recommendation:

Adopt the Antelope Valley Transit Authority (AVTA) Amended and Restated Joint Exercise of Powers Agreement between the County of Los Angeles, the City of Palmdale, and the City of Lancaster creating an agency to be known as the Antelope Valley Transit Authority and authorize staff to sign the agreement.

Fiscal Impact:

None

Background:

On February 25, 1992, the City of Lancaster entered into an agreement between the County of Los Angeles and the City of Palmdale to form a Joint Powers Authority (JPA) known as the Antelope Valley Transit Authority (AVTA). The agreement can only be amended by the legislative bodies of all three member agencies. This Amended and Restated agreement was adopted by the AVTA Board of Directors on June 22, 2010. On November 22, 2011, the Board directed staff to resubmit this document to member jurisdictions for adoption by their respective governing boards. The AVTA Technical Advisory Committee (TAC) which includes City of Lancaster staff worked with AVTA staff to ensure the jurisdictional needs are satisfied.

This action is to amend and restate the original agreement to be in compliance with State law by designating the member jurisdiction whose statutory mode applies to the AVTA, to revise provisions regarding the Executive Director's spending limit authority, and to eliminate provisions allowing for the involuntary termination of a member by the other members. Government Code Section 6509 provides that JPA powers are "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". The parties to the JPA are therefore required to select one of the parties to the agreement to be the party whose "restrictions upon the manner of exercise" will apply to the JPA. This means that statutes that apply to and place requirements on the designated entity will apply to the operations of the JPA. The designated party is referred to as the statutory mode. The agreement is currently silent as to which party is the statutory mode. The Amended and Restated Agreement designates the City of Lancaster as the statutory mode. Another change is to the spending limit of the AVTA's Executive Director which is currently at \$5,000 and restricts authority to approve change orders and supplemental contract payments to 10

percent of the approved contract amount or \$25,000, whichever is less.

The amended agreement removes these limits from the JPA agreement and provides that they shall be stipulated in AVTA's bylaws. This will allow the AVTA Board of Directors to adjust the spending authority as needed to accommodate the needs of the AVTA with a vote of the AVTA Board. The references to involuntary termination of a member have been removed as this is a cooperative agreement among the members working together for the benefit of all the residents of the Antelope Valley. The amended agreement also removes the provision requiring each jurisdiction be financially and operationally responsible for providing bus stop signs in its jurisdiction and replaces it with a provision authorizing AVTA to negotiate MOU's with member jurisdictions to address bus stops, signage, parking areas for transit vehicles, and tree trimming.

Attachment:

AVTA Amended and Restated JPA

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