



# COUNCIL REPORT

**DATE:** October 24, 2023

**CATEGORY:** Consent

**DEPT.:** City Manager's Office

**TITLE:** **Cities Association of Santa Clara County's Request for Approval of Joint Powers Agreement to Establish the Cities Association of Santa Clara County Joint Powers Agency**

## **RECOMMENDATION**

1. Approve the proposed Joint Powers Agreement ("JPA");
2. Delegate authority to the City Council's Cities Association of Santa Clara County ("CASCC") Board representative to report approval of the JPA at the CASCC Board of Directors ("CASCC Board") Meeting and approve any non-substantive changes made at that Board Meeting without further City Council action; and
3. Authorize the City Manager or designee to execute the JPA.

## **BACKGROUND**

In 1990, the cities and towns of Santa Clara County established the Cities Association of Santa Clara County ("CASCC") to facilitate cooperation on issues of common interest. CASCC enables all 15 cities and towns in Santa Clara County to work together on regional issues, advocate at the County, regional, and State levels, and provide a significant voice in policymaking in Sacramento. CASCC has offered Countywide symposia on topics such as housing and sustainability, provided technical assistance to city staff for Housing Element Updates, and provided feedback and endorsements for legislative bills under consideration.

CASCC also serves as the City Selection Committee ("CSC"), a State-mandated entity charged with making appointments to various regional and local boards and committees, such as the Bay Area Air Quality Management District, Local Agency Formation Commission, and the Metropolitan Transportation Commission.

## **ANALYSIS**

CASCC has been operating as an unincorporated association and is proposing to organize itself as a formal joint powers agency. This will make it a formal public agency, which would provide greater public transparency in its operations and clarity regarding its tax status and the

availability of governmental immunities, and limit the potential liability of the members. As a governmental agency, the JPA would also have access to insurance and risk pools that are not available to an unincorporated association and may have the ability to be the recipient of sponsorships and donations that could potentially defray the cost of annual dues for each of the JPA members.

The attached agreement was adopted by the CASCC Board on September 14, 2023 following two years of outreach, discussion, and incorporation of member agency feedback. The agreement would create the Cities Association of Santa Clara County Joint Powers Agency ("CASCC JPA"), which would operate as the CSC and carry out the work previously conducted by CASCC (Attachment 1 to this Council report).

The CASCC JPA would include all the cities that agree to sign the attached agreement. Each city and town in Santa Clara County will continue to participate in the CSC even if the city or town is not a member of CASCC. Appointments to the local boards and committees will be based on majority votes of the city/town CSC representatives. The CASCC JPA would be governed by a board consisting of one councilmember (or mayor) from each member agency. Day-to-day operations would be governed by an Executive Committee of three or five members, depending on the total number of member agencies. (If there are fewer than nine member agencies, there would be no Executive Committee.)

CASCC has historically been funded by membership dues and that would continue with the JPA. CASCC's Fiscal Year 2023-24 budget is provided as Attachment 2 to this Council report. The Fiscal Year 2023-24 membership dues for each agency are provided in Attachment 3. Mountain View's annual dues for Fiscal Year 2023-24 are \$21,415.

Members are allowed to withdraw from the CASCC JPA upon providing 180 days' notice. However, any member that withdraws from the CASCC JPA remains obligated to pay: (1) its share of all debts, liabilities, and obligations incurred or accrued through the end of the current fiscal year; (2) the full amount of its proportionate share of the adopted fiscal year budget; (3) any call for funds or assessment levied by the agency prior to the date of notice of withdrawal; and (4) any contribution in existence at the time of the notice of withdrawal.

### **FISCAL IMPACT**

There is no current fiscal impact for this item. Funding for CASCC membership dues was included in the current fiscal year Adopted Budget.

**ENVIRONMENTAL IMPACT**

Council consideration of and direction on the draft agreement will not cause physical changes to the environment and does not constitute a "project" under the California Environmental Protection Act (CEQA).

**ALTERNATIVES**

1. Do not approve the proposed Joint Powers Agreement.
2. Provide other direction.

**PUBLIC NOTICING**

Agenda posting and a copy of report to Santa Clara County Cities Association Executive Director.

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- Attachments:
1. Proposed Joint Powers Agreement
  2. Fiscal Year 2024 CASCC Budget
  3. Fiscal Year 2024 CASCC Membership Dues