

CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Special Meeting
Wednesday, July 8, 2015
3:30 p.m.

Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637

Cynthia Connors
Mayor

Noel Hatch
Mayor Pro Tem

Bert Hack
Councilmember



Shari L. Horne
Councilmember

Carol Moore
Councilmember

Welcome to a meeting of the Laguna Woods City Council!

This meeting may be recorded, televised, and made publically available.

Public Comments: Persons wishing to address the City Council are requested to complete and submit a speaker card to City staff. Speaker cards are available near the entrance to the meeting location. Persons wishing to address the City Council on an item appearing on this agenda will be called upon at the appropriate time during the item's consideration. Persons wishing to address the City Council on an item *not* appearing on the agenda will be called upon during the "Public Comments" item. Persons who do not wish to submit a Speaker Card, or who wish to remain anonymous, may indicate their desire to speak from the floor. Speakers are requested, but not required, to identify themselves.

Americans with Disabilities Act (ADA): It is the intention of the City to comply with the ADA. If you need assistance to participate in this meeting, please contact either the City Clerk's Office at (949) 639-0500/TTY (949) 639-0535 or the California Relay Service at (800) 735-2929/TTY (800) 735-2922. The City requests at least two business days' notice in order to effectively facilitate the provision of reasonable accommodations.

REGULAR MEETING SCHEDULE

The Laguna Woods City Council regularly meets on the third Wednesday of each month at 2 p.m.

AGENDA POSTING AND AVAILABILITY

Regular and Adjourned Regular Meetings: Pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act, the City of Laguna Woods posts agendas at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City's website (www.lagunawoodscity.org); and, at other locations designated by Resolution No. 02-33, at least 72 hours in advance of regular and adjourned regular meetings. Agendas and agenda materials are available at Laguna Woods City Hall during normal business hours and on the City's website. Printed copies of agendas and agenda materials are provided at no charge in advance of meetings. After meetings have occurred, a per page fee is charged for printed copies.

Special and Emergency Meetings: Agenda posting and availability for special and emergency meetings is conducted pursuant to all applicable provisions of California Government Code (Ralph M. Brown Act).

AGENDA DISTRIBUTION LISTS

Electronic Distribution: The City of Laguna Woods provides notification of agenda posting and availability via email. To register to receive email notifications, please email cityhall@lagunawoodscity.org or contact the City Clerk's Office at (949) 639-0500/TTY (949) 639-0535. Please note that the City is not responsible for, and makes no guaranties or warranties related to, the transmission or receipt of email notifications.

Mail Distribution: The City of Laguna Woods is able to mail agendas and/or agenda materials if provided with advance payment for postage and printing (if applicable). To request mail distribution, please email cityhall@lagunawoodscity.org or contact the City Clerk's Office at (949) 639-0500/TTY (949) 639-0535.

FOR ADDITIONAL INFORMATION

For additional information, please contact the City Clerk's Office at (949) 639-0500/TTY (949) 639-0535, cityhall@lagunawoodscity.org, or 24264 El Toro Road, Laguna Woods, California 92637.

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, Yolie Trippy, Deputy City Clerk, City of Laguna Woods, hereby certify under penalty of perjury that this agenda was posted at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City's website (www.lagunawoodscity.org); and, at other locations designated by Resolution No. 02-33, pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act.



YOLIE TRIPPY, Deputy City Clerk

7-2-15

Date

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. PRESENTATIONS AND CEREMONIAL MATTERS
- V. PUBLIC COMMENTS

About Public Comments: This is the time and place for members of the public to address the City Council on items *not* appearing on this agenda. Pursuant to State law, the City Council is unable to take action on such items, but may engage in brief discussion, provide direction to City staff, or schedule items for consideration at future meetings.

VI. CONSENT CALENDAR – None

About the Consent Calendar: All items listed on the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the City Council, City staff, or the public requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action.

VII. PUBLIC HEARINGS – None

VIII. CITY COUNCIL BUSINESS

- 8.1 Third Amendment to the Amended Orange County Fire Authority Joint Powers Authority Agreement (agendized by Mayor Pro Tem Hatch)

Recommendation: Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING THE THIRD AMENDMENT TO THE AMENDED ORANGE COUNTY FIRE AUTHORITY JOINT POWERS AUTHORITY AGREEMENT, AND AUTHORIZING ITS EXECUTION

IX. CITY COUNCIL REPORTS AND COMMENTS

About City Council Comments and Reports: This is the time and place for members of the City Council to provide reports on meetings attended including, but not limited to, meetings of regional boards and entities to which they have been appointed to represent the City and meetings attended at the expense of the City pursuant to California Government Code Section 53232.3. Members of the City Council may also make other comments and announcements.

9.1 Comments and Reports

X. CLOSED SESSION

10.1 The City Council will meet in closed session under the authority of California Government Code Section 54957(b)(1) to consider the following: Public Employee Appointment – City Manager.

XI. CLOSED SESSION REPORT

XII. ADJOURNMENT

Next Adjourned Regular Meeting: Wednesday, July 29, 2015 at 2 p.m.
Laguna Woods City Hall
24264 El Toro Road, Laguna Woods, California 92637

Next Regular Meeting: Wednesday, August 19, 2015 at 2 p.m.
Laguna Woods City Hall
24264 El Toro Road, Laguna Woods, California 92637

8.1

**THIRD AMENDMENT TO THE AMENDED
ORANGE COUNTY FIRE AUTHORITY JOINT
POWERS AUTHORITY AGREEMENT
(AGENDIZED BY MAYOR PRO TEM HATCH)**

This page is intentionally blank.



City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: July 8, 2015 Special Meeting

SUBJECT: Third Amendment to the Amended Orange County Fire Authority Joint Powers Authority Agreement (agendized by Mayor Pro Tem Hatch)

Recommendation

Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING THE THIRD AMENDMENT TO THE AMENDED ORANGE COUNTY FIRE AUTHORITY JOINT POWERS AUTHORITY AGREEMENT, AND AUTHORIZING ITS EXECUTION

Background

The Orange County Fire Authority (OCFA) was formed in 1995 to provide fire protection and related services to the County of Orange and 18 member cities. In subsequent years, five additional cities (including the City of Laguna Woods) have become members of OCFA. The original joint powers authority agreement (JPA) was amended in September 1999 and renewed in 2010 by the First Amendment to the Amended Joint Powers Authority Agreement. In 2013, a Second Amendment was approved to promote financing equity amongst member agencies.

Discussion

Since the formation of OCFA, the joint powers authority agreement has provided for each member agency to have representation on OCFA's Board of Directors.

That provision was key to the formation of OCFA and was noted in a feasibility study in 1991:

“Provide equal agency representation on a governing board, regardless of participant size, to address cost, expenditure, equity, and service level issues.”

In addition to providing for each member agency to appoint a representative to act as its director on the OCFA Board, the joint powers authority agreement provides for the appointment of an alternate to act in each director’s absence.

In discussing Assembly Bill 1217 (Daly; Orange County Fire Authority), which would significantly reduce member agency representation on the OCFA Board, a majority of the Board concluded that representation of every member agency on the Board remains critically important. A majority of the Board also concluded that the provision for alternates could be eliminated. Due to the complexity and sensitivity of the topics that the Board considers, and the corresponding length of time required to become fully informed on those topics, the practice has been that alternates are rarely requested to attend in the occasional absence of a director.

As a result of its discussion, the OCFA Board directed its General Counsel to (1) draft a proposed amendment to the joint powers authority agreement to eliminate alternate directors and (2) after Board approval of the form of the amendment, submit the proposed amendment to the governing bodies of OCFA’s member agencies for approval. In accordance with that direction, OCFA’s General Counsel drafted the proposed Third Amendment (Attachment A), amending Article II, Sections 2 and 5 of the 1999 Amended Joint Powers Authority Agreement. On July 1, 2015, the OCFA Board approved the form of the Third Amendment on a 17-3 vote with directors Lalloway (City of Irvine), Sloan (City of Seal Beach), and Bartlett (County of Orange) opposed.

In order to become effective, the Third Amendment must be approved by at least 16 of OCFA’s 24 member agencies.

Fiscal Impact

The recommended action would not impact the City’s budget.

Attachment: A – Proposed Resolution (includes the proposed Third Amendment as Exhibit “A”)

RESOLUTION NO. 15-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING THE THIRD AMENDMENT TO THE AMENDED ORANGE COUNTY FIRE AUTHORITY JOINT POWERS AUTHORITY AGREEMENT, AND AUTHORIZING ITS EXECUTION

WHEREAS, the Orange County Fire Authority (OCFA) is a California Joint Powers Authority that was formed in 1995 to provide regional fire protection and related services to the County of Orange and its member cities; and

WHEREAS, the original JPA agreement was amended by an "Amended Joint Powers Authority Agreement" ("Amended JPA Agreement") on September 23, 1999, and the Amended JPA Agreement was subsequently amended; and

WHEREAS, the City of Laguna Woods is a member of the OCFA and is represented on the OCFA Board by a Director selected by the City of Laguna Woods City Council; and

WHEREAS, in addition to appointing a Director on the OCFA Board, the Amended JPA Agreement provides for each member to appoint an alternate to act in the Director's absence; and

WHEREAS, the OCFA Board has requested that the City Council consider the attached "Third Amendment to Amended Joint Powers Authority Agreement" to eliminate alternate Board members; and

WHEREAS, due to the complexity and sensitivity of the topics that the Board considers, and the corresponding length of time required to become fully informed on those topics, the practice has been that alternates are rarely requested to attend in the occasional absence of a Director.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The Third Amendment to the Amended Orange County Fire Authority Joint Powers Authority Agreement (attached hereto as Exhibit "A") is

approved with authorization for the Mayor to execute the amendment subject to approval as to form by the City Attorney.

SECTION 2. The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2015.

CYNTHIA S. CONNERS, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 15-XX** was duly adopted by the City Council of the City of Laguna Woods at a special meeting thereof, held on the XX day of XX 2015, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk

THIRD AMENDMENT TO AMENDED JOINT POWERS AUTHORITY AGREEMENT
ORANGE COUNTY FIRE AUTHORITY

This Third Amendment (“Third Amendment”) to the Amended Joint Powers Authority Agreement is made and entered into by and between the following public entities (collectively referred to as “members”): Aliso Viejo, Buena Park, Cypress, Dana Point, Irvine, La Palma, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Los Alamitos, Mission Viejo, Placentia, Rancho Santa Margarita, San Clemente, San Juan Capistrano, Santa Ana, Seal Beach, Stanton, Tustin, Villa Park, Westminster, and Yorba Linda (collectively referred to as “Cities” and individually as “City”) and the County of Orange (referred to as the “County”), each of whom is a member of the Joint Powers Authority, Orange County Fire Authority (“the Authority”).

RECITALS

WHEREAS, the Authority presently provides fire protection, prevention and suppression services and related and incidental services (collectively, “Fire Services”) to Cities as well as to the unincorporated area of the County and State Responsibility Areas (“SRA”); and

WHEREAS, the County and several of the Cities entered into a Joint Powers Authority Agreement to form the Authority as of February 3, 1995 pursuant to the provisions of Article 1, Chapter 5, Division 7, Title I (commencing with Section 6500) of the Government Code of the State of California (“Joint Powers Statutes”); and

WHEREAS, pursuant to the Joint Powers Statutes the members are authorized to jointly provide for the methods of the provision of Fire Services, including the method of financing the provision of Fire Services; and

WHEREAS, on September 23, 1999, the members entered into an amended Joint Powers Authority Agreement (“1999 Amended Agreement”) which superseded all prior agreements between the members and is incorporated herein by reference; and

ITEM 8.1 – Attachment A
Exhibit “A”

WHEREAS, on July 1, 2010, the members entered into a First Amendment to the Amended Joint Powers Agreement (“First Amendment”) which amended several provisions of the 1999 Amended Agreement; and

WHEREAS, on April 20, 2012, the City of Santa Ana joined the Authority and became a party to the 1999 Amended Agreement and the First Amendment; and

WHEREAS, on November 18, 2013, the members entered into the Second Amendment to the Amended Joint Powers Agreement (“Second Amendment”) which amended several provisions of the 1999 Amended Agreement. Litigation has been filed by the County challenging the validity of the Second Amendment, and the litigation remains unresolved as of the date of this Third Amendment;

WHEREAS, the parties wish to adopt this Third Amendment to eliminate alternative Board directors;

NOW THEREFORE, the members agree to amend the 1999 Amended Agreement as follows:

AGREEMENT

1. *Article II, Section 2 of the 1999 Amended Agreement shall be amended to read as follows:*

2. Designation of Directors. Each member by resolution of its governing body shall designate and appoint one representative to act as its Director on the Authority Board of Directors (the “Board”), except the County whose Board of Supervisors shall appoint two representatives to act as its Directors. Each representative shall be a current elected member of the governing body. Each Director shall hold office until the selection of a successor by the appointing body. ~~Each member shall also appoint an alternate to act in each Director’s absence. Each alternate shall be a current elected representative of the governing board of the member. Each Director and alternate shall serve at the pleasure of his or her appointing body and may be removed at any time, with or without cause, at the sole discretion of that appointing body. Any vacancy shall be filled in the same manner as the original appointment of a Director and/or alternate. With approval of the Board, a Director or alternate~~

ITEM 8.1 – Attachment A
Exhibit “A”

may be reimbursed for reasonable expenses incurred in the conduct of the business of the Authority.

2. *Article II, Section 5 of the 1999 Amended Agreement shall be amended to read as follows:*

5. **Quorum; Voting.** A majority of the Directors shall constitute a quorum for the purpose of the transaction of business relating to the Authority. Each Director, ~~or alternate in the absence of any voting Director,~~ shall be entitled to one vote. Unless otherwise provided herein, a vote of the majority of those present and qualified to vote shall be sufficient for the adoption of any motion, resolution or order and to take any other action deemed appropriate to carry forward the objectives of the Authority.

3. **Effective Date.** *This Third Amendment requires the approval of at least two thirds of the members to go into effect, and it shall be effective on the date of approval by a sixteenth member.*

ITEM 8.1 – Attachment A
Exhibit “A”

CITY OF LAGUNA WOODS

Dated: _____

By: _____

Cynthia S. Conners
Mayor

ATTEST:

Yolie Trippy
Deputy City Clerk

NOTICE TO CITY TO BE GIVEN TO:

City Manager
City of Laguna Woods
24264 El Toro Road
Laguna Woods, CA 92637

Phone: (949) 639-0500

Fax: (949) 639-0591

APPROVED AS TO FORM:

By: _____

David B. Cosgrove
City Attorney

Dated: _____