

Board of Directors
Monterey Regional Waste Management Authority

RESOLUTION NO. 2007-2A

**A RESOLUTION OF THE GOVERNING BODY OF THE
MONTEREY REGIONAL WASTE MANAGEMENT AUTHORITY
APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND
DELIVERY OF A SIXTH AMENDED JOINT POWERS AGREEMENT**

WHEREAS; the Monterey Regional Waste Management Authority, a public agency duly organized and existing under and by virtue of the California Government Code and laws of the State of California (the "Member Agency"), has entered into the Fifth Amended and Restated Joint Powers Agreement (the "Original Agreement"), relating to the Special District Risk Management Authority (the "Authority"); and

WHEREAS; the Monterey Regional Waste Management Authority and the other members of the Authority (the "Members") find it beneficial to amend the Original Agreement (i) to amend Article 25 of the agreement regarding administrative fees paid by the Authority to the California Special District Association, and (ii) to make certain other amendments to the Original Agreement; and

WHEREAS; in order to implement the foregoing, the Member Agency and the Members propose to execute and enter into a Sixth Amended Joint Powers Agreement (the "Amended JPA Agreement"); and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the Governing Body is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the member agency as follows:

Section 1. Findings. The Governing Body of Monterey Regional Waste Management Authority hereby specifically finds and determines that the actions authorized hereby relate to the public affairs of the agency.

Section 2. Amended JPA Agreement. The Amended JPA Agreement, proposed to be executed and entered into by and between the Member Agency and the Members, in the form presented at this meeting and on file with the District Secretary, is hereby approved. The Chair, Leo Laska, ("The Authorized Officers") is hereby authorized and directed, for and in the name and on behalf of the Governing Body, to execute and deliver to the Authority the Amended JPA Agreement in substantially said form, with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Effective Date of Amended JPA Agreement. The Amended JPA Agreement shall take effect on October 1, 2007, but not sooner than receipt of required affirmative written approval of 2/3 of the Members participating in the Authority's risk management program(s), and who are signatory to the Fifth Amended and Restated JPA Agreement.

Section 4. Other Actions. The Authorized Officers of the Governing Body are each hereby authorized and directed to execute and deliver any and all documents which they may deem necessary in order to consummate the transactions authorized hereby and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED at a regular meeting by the Board of Directors of the Monterey Regional Waste Management Authority duly held on July 20, 2007, by the following votes:

AYES:

NOES:

ABSENT:

Leo Laska
Chair of the Board

ATTEST:

William M. Merry
General Manager



4A

Memorandum
MONTEREY REGIONAL
WASTE MANAGEMENT DISTRICT


Reviewed by W. W. W. Date 7.13.07
General Manager

DATE: July 13, 2007
TO: General Manager
FROM: Administrative Services Manager
SUBJECT: Proposed Amendments to the Special District Risk Management Authority Joint Powers Agreement

RECOMMENDATION: That the Monterey Regional Waste Management Authority Board approve Resolution 2007-2A amending the Joint Powers Agreement (JPA) as requested by the Special District Risk Management Authority (SDRMA) and California Special District Association (CSDA).

DISCUSSION

In May correspondence was received from SDRMA (attached) asking the Authority Board to approve by resolution changes to the JPA. As explained, the primary purpose of the change is to eliminate the administrative fee provision to CSDA which creates "financial inequity in the cost of membership in CSDA for SDRMA members." In addition, there are three other changes that "do not materially affect or change membership requirements or substantially modify the terms of the JPA".


Richard Norton



May 10, 2007

Mr. Leo Laska
Board President
Monterey Regional Waste Management Authority
Post Office Box 1670
Marina, California 93933-1670

Dear Mr. Laska;

We are writing to ask for your agency's approval of the enclosed proposed amendments to the Special District Risk Management Authority Joint Powers Agreement.

The California Special Districts Association (CSDA) endorses the proposed amendments to the Special District Risk Management Authority (SDRMA) Joint Powers Agreement (JPA). The CSDA Board of Directors and the SDRMA Board of Directors encourage your agency's governing body to vote "aye" on the amendments.

Since SDRMA's inception in 1986, there has been a provision in the JPA that specified, in addition to the CSDA membership dues, SDRMA would pay an annual administrative fee to CSDA. The annual amount paid to CSDA is calculated on 1% of the member's net annual premium. Now that both CSDA and SDRMA have grown into strong, highly developed organizations the time has come for the JPA to reflect this important change. The JPA amendment that is being proposed and recommended would eliminate the administrative fee payment provision to CSDA.

The amendment is in the best interest of the membership of both organizations and moves the organizations toward a definable fee for service business approach that will strengthen our collective commitment to provide our members with the highest quality programs, delivered in the most cost-effective manner.

It is important that you, as a participating member, be able to exercise control of the program through the JPA and SDRMA's Board of Directors. Accordingly, please vote in favor of the proposed amendments. On behalf of the Board of Directors of CSDA and SDRMA we want to thank you for your agency's membership in our programs and for your timely response.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Gonksen".

Ken Gonksen, President
SDRMA Board of Directors

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Fox".

John R. Fox, President
CSDA Board of Directors

The primary change proposed to the current Fifth (5th) Amended Joint Powers Agreement (JPA) amends Article 25 – Annual Service Fees; Provisions Relating to CSDA by eliminating the requirement for SDRMA to pay an annual administrative fee to the California Special Districts Association (CSDA).

The purpose of amending this section of the JPA is to create financial equity between the members for SDRMA members and CSDA members who do not participate in SDRMA's programs. As currently written Article 25 requires SDRMA to annually pay CSDA an administrative fee equal to 1% of SDRMA's net annual premiums. With SDRMA's significant growth in recent years, SDRMA Board of Directors feel that this long standing provision in the JPA is creating financial inequity in the cost of membership in CSDA for SDRMA members. This proposed amendment will be beneficial for SDRMA and its members.

In addition to the proposed amendment to Article 25 – Annual Service Fee; Provisions Relating to CSDA, there were also minor changes in three other sections of the JPA: Recitals, Article 7 - Board of Directors, Article 19 - Withdrawals. These changes clarify and define the program and services. The changes do not materially affect or change membership requirements or substantially modify the terms of the JPA.

Recitals

2nd Whereas -

New Section: Adds language. California Labor Code Section 3700(c) permits pooling by public agencies of self insurance for Workers' Compensation liability.

Purpose of Change: Updates language to be consistent with Government Code.

Articles

Article 7 - Board of Directors

Deletes: Provisions for an Interim Board consisting of nine (9) directors. The interim Board will be comprised of the Directors from each Board (4 SDWCA, 5 SDRMA) who hold elected positions on July 1, 2003. Such directors shall serve until the first election in 2005.

Purpose of Change: Removes outdated provisions related to interim Board of Directors resulting from the consolidation of SDRMA and SDWCA.

Article 19 – Member Withdrawal

Amends existing Language: Clarifies language regarding member participation between program and the withdrawal provisions.

Purpose of Change: Existing language was unclear regarding voluntary member withdrawal from a specific coverage program and voluntary withdrawal from all programs (withdrawal from JPA).