

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: November 30, 2009



Contra
Costa
County

Subject: Amendment to an existing Joint Powers Agreement with Town of Danville, Alamo area. (CSA R-7A Funds) (District III)

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chair, Board of Supervisors to execute an amendment to an existing Joint Powers Agreement with the Town of Danville effective December 15, 2009 to refer to Alamo MAC in place of the Advisory Committee for County Service Area R-7A with no substantive changes to the Joint Powers Agreement, in order for the Alamo MAC to perform the functions of the Advisory Committee for County Service Area R-7A, (Danville, Alamo area).

FISCAL IMPACT:

This Joint Exercise of Powers Agreement (JEPA) amendment allows for Alamo MAC to replace the Advisory Committee for County Service Area R-7A. There is no impact to the General Fund.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

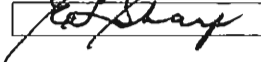
Action of Board On: 12/15/2009 APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES NOES
ABSENT ABSTAIN
RECUSE

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown
ATTESTED: December 15, 2009
David J. Twa,

BY:  Deputy

Contact: Susan Cohen (925) 313-2160
cc: David Twa, CAO Silvano Marchesi, County Counsel Stephen Ybarra, Auditor controller Brian Balbas, Deputy Public Works Gary Huisingsh, Supervising Civil Engineer Marlon Epps, Engineering Services

BACKGROUND:

On August 11, 2009 the Board of Supervisors adopted Resolution 2009/398 which established the Alamo Municipal Advisory Council (MAC) and eliminated the Advisory Committee for County Service Area R-7A effective December 31, 2009. The MAC for Alamo was established to provide a focused voice to advise the District 3 Supervisor on issues and concerns related to services provided by the County or other local agencies located within its boundary, including parks, recreation and landscaping. The advisory functions currently being provided by the County Service Area R-7A Advisory Committee are to be assumed by the Alamo MAC. On October 20, 2009 the Board of Supervisors appointed the members of the Alamo MAC. Commencing January 1, 2010, the Alamo MAC will perform those functions of the JPA that were previously assigned to the CSA R-7A Advisory Committee.

The Joint Powers Agreement between Contra Costa County and the Town of Danville must be modified to assign the advisory functions currently provided by CSA R-7A to the Alamo MAC (see revised Amendment to JPA Agreement attached). The JPA refers to Magee Park which is commonly referred to and known as Hap Magee Park.

The existing Joint Powers Agreement with Town of Danville was established May 14, 1987. At the time of the establishment of this agreement, the Advisory Committee for CSA R-7A performed the advisory functions required by the Agreement. This amendment changes references to the Advisory Committee for County Service Area R-7A to the Alamo Municipal Advisory Council, in accordance with the Board of Supervisor's resolution on August 11, 2009 which established the Alamo MAC to perform functions including those assigned by this Joint Powers Agreement for park maintenance and operations of Hap Magee Park. Once this resolution is approved by the Board of Supervisors, the Alamo MAC will be empowered to have representatives appointed to the Magee Ranch Joint Planning & Operations Committee, effective January 1, 2010.

CONSEQUENCE OF NEGATIVE ACTION:

Negative action will result in the delay for the Alamo Municipal Advisory Council to perform functions previously in the purview of the Advisory Committee for County Service Area R-7A which will be disbanded effective December 31, 2009.

CHILDREN'S IMPACT STATEMENT:

Amendment to Joint Powers Agreement (Magee Park)

RECITALS

This Amendment to Joint Powers Agreement (Magee Park) is based on the following facts and circumstances:

- A. At the time the Parties entered the original Joint Powers Agreement (Magee Park) (“Agreement”) the Advisory Committee for County Service Area R-7A performed the County advisory functions for County Service Area R-7A, including those functions required by the Agreement;
- B. On August 11, 2009, the Board of Supervisors eliminated the Advisory Committee for County Service Area R-7A effective December 31, 2009, created the Alamo Municipal Advisory Council, and charged the Council with performing the advisory functions previously performed by the Advisory Committee for County Service Area R-7A effective January 1, 2010;
- C. On October 20, 2009, the Board of Supervisors appointed the members of the Alamo Municipal Advisory Council;
- D. Commencing January 1, 2010, the Alamo Municipal Advisory Council will perform those functions under the Agreement that were previously performed by the Advisory Committee for County Service Area R-7A.

NOW, THEREFORE, the Parties agree:

1. **Parties.** The County of Contra Costa, a political subdivision of the State of California (“COUNTY”), and the Town of Danville, a municipal corporation (“TOWN”) are the parties to this Amendment to Joint Exercise of Powers Agreement.
2. **Effective Date.** The effective date of this Amendment to Joint Powers Agreement (Magee Park) is December 31, 2009.
3. **Amendment Specifications.** The Joint Powers Agreement (Magee Park) between COUNTY and TOWN, effective May 26, 1987, is amended as follows:

A. Section 5. **Administration and Decision-Making** shall be deleted in its entirety and replaced with the following:

5. **Administration and Decision-Making.**

- a. **Staff Members and Advisory Bodies.** The advisory bodies for parks and

recreation matters for the parties are the Alamo Municipal Advisory Council for COUNTY and Parks and Leisure Services Commission for TOWN. These two groups, together with their respective staffs, will provide administrative and support services for the Park project.

b. Joint Planning and Operations Committee. The parties shall appoint a Joint Planning and Operations Committee (the “Joint Committee”).

The Joint Committee shall be selected and shall serve as follows: the COUNTY Board of Supervisors shall appoint two members from the Alamo Municipal Advisory Council. TOWN shall also appoint two members to serve on the Joint Committee. Each of the four members shall serve for a two-year term, except that in order to establish staggered terms one of the first appointees from COUNTY and one of the first appointees from TOWN shall serve a one-year term. The four appointed members shall select (by unanimous vote) a fifth member who is not a member of the COUNTY Alamo Municipal Advisory Council or the TOWN Parks and Leisure Services Commission. The fifth member must have a demonstrated interest in park and recreation matters. The fifth member will serve for a one-year term and may be re-appointed to one or more successive terms.

The Joint Committee shall meet semi-annually, or more frequently if necessary. Its meetings shall be noticed and open to the public as required by the Ralph M. Brown Act (Government Code § 54950 et seq.). Consensus decision-making is encouraged.

The duties of the Joint Committee are to:

- develop the master plan and recommend adoption to the Park and Leisure Services Commission, the Alamo Municipal Advisory Council, the Danville TOWN Council and the Board of Supervisors;
- review construction documents;
- review operations and solicit general community comments;
- review and recommend to the Danville Park and Leisure Services Commission, the Alamo Municipal Advisory Council, the Danville TOWN Council and the Board of Supervisors:
 - annual operating budget
 - future capital development projects
 - annual service level changes for rental rate adjustments;
- other functions assigned to it by the Board of Supervisors and Danville TOWN Council.

c. Governing Bodies. All final decisions on site planning and expenditures are reserved to the governing bodies of the parties: the COUNTY Board of Supervisors and Danville TOWN Council.

4. Signatures. The following signatures attest the parties' agreement hereto:

APPROVED BY:
TOWN OF DANVILLE

By: Mike Dole
Mayor

ATTEST: M. Sumari
Town Clerk

Approved as to Form:

Robert B. Long
Town Attorney

COUNTY OF CONTRA COSTA

By: Susan A. Bond
Chair, Board of Supervisors

ATTEST: DECEMBER 15, 2009
David Twa,
County Administrator and
Clerk of the Board of Supervisors

By: E. Sharp
Deputy

Approved as to Form:

Silvano B. Marchesi
County Counsel

By: Mary Ann Marone
Deputy County Counsel

1-042 m

TO: BOARD OF SUPERVISORS
FROM: Phil Batchelor, County Administrator
DATE: May 14, 1987
SUBJECT: Agreement with the Town of Danville for Park Maintenance and Operations



Contra Costa County

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATION

Approve agreement for maintenance and operation of the proposed Magee Park for County Service Area R-7A with the Town of Danville.

BACKGROUND

The Town of Danville and the County for County Service Area R-7A (Alamo), are jointly purchasing a 17 acre parcel of land, one-half of which is in the City and one-half in Alamo, for development as a park. The Contra Costa County Public Facilities Corporation is purchasing the property for the City and the County using equal funding contributions from each agency. The subject agreement provides the framework for the administration, maintenance, operations and future development planning for the park. Future development of the park is planned to be financed through the Public Facilities Corporation using a deferred financing mechanism to be repaid equally by each entity.

The agreement creates a Joint Planning and Operations Committee with representation from the City and the County Service Area. One of the duties of the Committee will be to prepare a Master Plan for the future development of the Park site. Policy and procedures for use of the park will be developed by the Committee for recommendation to the City Park and Leisure Services Commission, the R-7A Citizens Advisory Board and the Board of Supervisors.

CONTRA COSTA COUNTY
OFFICE OF THE CLERK
1000 PINE STREET
DANVILLE, CA 94526

CONTINUED ON ATTACHMENT: YES NO
SIGNATURE: *P. Batchelor*
 RECOMMENDATION OF COUNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
 APPROVE OTHER

SIGNATURE(S):
ACTION OF BOARD ON May 26, 1987 APPROVED AS RECOMMENDED OTHER

VOTE OF SUPERVISORS
 UNANIMOUS (ABSENT _____)
AYES: _____ NOES: _____
ABSENT: _____ ABSTAIN: _____

cc: County Administrator
General Services L/M
Auditor-Controller
Community Development
Town of Danville

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MINUTES OF THE BOARD OF SUPERVISORS ON THE DATE SHOWN.

ATTESTED May 26, 1987
PHIL BATCHELOR, CLERK OF THE BOARD OF SUPERVISORS AND COUNTY ADMINISTRATOR
P. Batchelor DEPUTY