

Robert E. Shannon  
City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664  
Telephone (562) 570-2200

1 RESOLUTION NO. RES-06-0140

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH APPROVING THE SECOND  
5 AMENDMENT TO THE SPRING STREET CORRIDOR  
6 JOINT POWERS AUTHORITY AGREEMENT

7  
8 WHEREAS, the Joint Powers Agreement Creating the Spring Street  
9 Corridor Joint Powers Authority, dated February 7, 1995, (the "JPA Agreement") was  
10 duly adopted by the City of Signal Hill, Redevelopment Agency of the City of Signal Hill,  
11 City of Long Beach, and Redevelopment Agency of the City of Long Beach  
12 ("Participating Agencies") and become effective as of February 7, 1995, as amended on  
13 September 5, 1996; and

14 WHEREAS, the Spring Street Corridor Joint Powers Authority ("JPA") has  
15 facilitated cooperation between the Participating Agencies in planning for the  
16 development of the Spring Street Corridor area; and

17 WHEREAS, the City Council desires to further amend the JPA Agreement  
18 to modify the annual meeting schedule and certain budget requirements.

19  
20 NOW, THEREFORE, the City Council of the City of Long Beach resolves  
21 as follows:

22 Section 1. Pursuant to Section 2.06 of the JPA Agreement, the City  
23 Council hereby approves the Second Amendment to the JPA Agreement in the form  
24 attached hereto as Exhibit "A" (the "Second Amendment"), and authorizes the City  
25 Manager or his designee to execute the Second Amendment.

26 Sec. 2. This resolution shall take effect immediately upon its  
27 adoption by the City Council, and the City Clerk shall certify the vote adopting this  
28 resolution.

Robert E. Shannon  
City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664  
Telephone (562) 570-2200

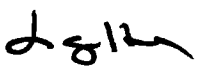
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of December 5, 2006, by the following vote:

Ayes: Councilmembers: S. Lowenthal, DeLong, O'Donnell, Schipske, Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: B. Lowenthal, [unclear]  
[unclear]

  
\_\_\_\_\_  
City Clerk

HAM:kdh  
11/20/06  
L:\APPS\CtyLaw32\WPDOCS\D020\P005\00097027.WPD  
#06-05696

Exhibit "A"

SECOND AMENDMENT TO JOINT POWERS AGREEMENT CREATING THE  
SPRING STREET CORRIDOR JOINT POWERS AUTHORITY

THIS SECOND AMENDMENT TO JOINT POWERS AGREEMENT CREATING THE SPRING STREET CORRIDOR JOINT POWERS AUTHORITY (this Amendment"), is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2005, between the CITY OF SIGNAL HILL, a charter city and municipal corporation ("SH City"), the CITY OF LONG BEACH, a charter city and municipal corporation ("LB City"), the SIGNAL HILL REDEVELOPMENT AGENCY, a public body corporate and politic ("SH CRA"), the REDEVELOPMENT AGENCY OF THE CITY OF LONG BEACH, a public body corporate and politic ("LB CRA"), and the SPRING STREET CORRIDOR JOINT POWERS AUTHORITY, a public entity ("Authority").

RECITALS:

A. SH City, LB City, SH CRA, and LB CRA have previously entered into that certain Joint Powers Agreement Creating the Spring Street Corridor Joint Powers Authority dated January 11, 1995, which was amended on September 5, 1996 (collectively referred to as the "JPA Agreement").

B. The parties now desire to modify the terms and conditions of the JPA Agreement.

THE PARTIES AGREE AS FOLLOWS:

Section 1. Section 1.02 of Article 1.00 of the Agreement is hereby amended to read:

1.02 The term "Biennial Meeting" shall be the meeting at which the Authority's officers are elected and shall be held on the third Tuesday in June at least once every two years in the Signal Hill Civic Center, Long Beach City Hall, or at such time and place as the Board may prescribe.

Section 2. Section 4.07 of Article 4.00 of the Agreement is hereby amended to read:

4.07 ELECTED OFFICERS.

1. The Board shall elect from among the Board members the following officers:

a. Chairman. The Director elected by the Board to serve as chief officer of the Authority. The Chairman shall preside over the Board and conduct all meetings of the Board. The Chairman shall execute all contracts, deeds, warrants, and other official documents on behalf of the Authority as authorized by the Board.

b. Vice Chairman. The elected officer who in the absence or inability of the Chairman to act shall act in the Chairman's capacity.

2. At no time shall the Chairman and Vice Chairman be from the same Participating Agency. The Chairmanship shall rotate biennially between Directors representing SH City and LB City, with the Chairman first being from SH City, the next from LB City, and so on.

3. The Chairman and Vice Chairman shall be elected by the Directors from either Long Beach or Signal Hill, depending on which entity is entitled to having a Director hold such office. For example, when the Chairman is to be from Signal Hill, the Signal Hill Directors shall elect such officer. Elections shall be conducted in accordance with Robert's Rules of Order but shall require a majority vote of the Directors from Signal Hill or Long Beach, as the case may be, and not simply a majority of those present and voting.

4. Those elected to the position of Chairman, and Vice Chairman, at the Initial Meeting referenced in Section 4.05 above, shall serve until the Biennial Meeting. Subsequent terms for the Chairman and Vice Chairman shall run for two (2) years, with elections held at each Biennial Meeting.

Section 3. Section 4.08 of Article 4.00 of the Agreement is hereby amended to read:

4.08 APPOINTED OFFICERS. The Board shall appoint the following officers:

a. Executive Director. The City Manager of LB City shall initially serve as the Executive Director with the office being rotated between the City Managers of each city at the time of the Biennial Meeting. The Executive Director shall exercise the duties described in Article 8.00.

b. Secretary. The Executive Director, or their designee shall serve as Secretary. The Secretary shall take and hold minutes of the meeting, attest to contracts and other documents, record documents as

necessary, keep and maintain records, and perform such other and further administrative, documentation, and related functions.

c. Controller/Treasurer. The City Manager of LB City or SH City not appointed as Executive Director/Secretary, or their designee, shall serve as Controller and Treasurer.

d. Auditor. The person serving as Finance Director of the Participating Agency whose City Manager serves as Controller/Treasurer shall perform the functions of Auditor as required by Government Code Section 6505.5 or 6505.6.

e. General Counsel. The member of the California State Bar appointed by the Board shall serve as the legal advisor to the Authority.

Section 4. Section 5.01 of Article 5.00 of the Agreement is hereby amended to read:

5.01 APPROVAL OF OPERATING BUDGET. At the Initial Meeting and biennially thereafter, no later than the Biennial Meeting, the Board shall review and approve a Biennial Operating Budget of the Authority, prepared by the Executive Director. The Board may, from time to time, modify the budget.

Section. 5. Section 5.05 of Article 5.00 of the Agreement is hereby amended to read:

5.05 BIENNIAL AUDIT. The Board shall arrange and provide for a biennial audit of the accounts and records of the Authority by an Auditor. Copies of such audit shall be distributed to the Members.

Section 6. Section 6.01 of Article 6.00 of the Agreement is hereby amended to read:

6.01 MEETINGS. The Board shall meet at least once each two (2) years, or more frequently as the Board may determine. All meetings shall be called, noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (Gov. Code §54950 et seq.) All meetings shall be held in such place as the Board may determine.

Section 7. Section 7.01 of Article 7.00 of the Agreement is hereby amended to read:

7.01 BIENNIAL BUDGET. The Executive Director shall direct the preparation of a Biennial Operating Budget to be approved by the Board at the Biennial Meeting. The approval of the Budget shall require a Concurrent Majority Vote.

Section. 8 Section 8.01 of Article 8.00 of the Agreement is hereby amended to read:

8.01 GENERAL DUTIES. The Executive Director shall have general authority to administer the Authority under the direction and control of the Board. The Executive Director shall have the authority to approve all warrants not exceeding the amount of Fifteen Thousand Dollars (\$15,000.00) without prior Board approval. The Executive Director shall have the authority to hire, manage, discipline, and terminate all employees for such positions as may be authorized by the Board, and administer all consulting and other contracts when approved by the Board. The Executive Director shall recommend the budget and assessments to the Board. The general duties shall include such other duties as specified in any bylaws, rules, regulations, or procedures adopted by the Board. The duties of the Executive Director may be delegated by the Executive Director to subordinate employees or performed through contractual services.

Section 9. Except as expressly set forth above, the terms and conditions of the Agreement shall continue in full force and effect.

The parties have executed this Second Amendment as of the date first written

////  
////  
////  
////  
////  
////  
////  
////  
////  
////  
////  
////

above.

"SH City"

CITY OF SIGNAL HILL

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

"SH CRA"

SIGNAL HILL REDEVELOPMENT AGENCY

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Executive Director

APPROVED AS TO FORM:

\_\_\_\_\_  
Agency Counsel

[SIGNATURES CONTINUED ON NEXT PAGE]

"LB City"

CITY OF LONG BEACH

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

"LB CRA"

REDEVELOPMENT AGENCY OF THE CITY  
OF LONG BEACH

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Executive Director

APPROVED AS TO FORM:

\_\_\_\_\_  
Agency Counsel