

# RICHARDSON'S BAY REGIONAL AGENCY

## STAFF REPORT

For the meeting of December 9, 2021

**To:** Board of Directors  
**From:** Steve McGrath, Interim Executive Director  
**Subject:** Joint Exercise of Powers Agreement, Amendment #2

### **STAFF RECOMMENDATION:**

Staff recommends that this Board request the member agency representatives seek approval from their respective legislative bodies of Amendment #2 to the Joint Exercise of Powers Agreement (JPA) and that each member agency adopt the Resolution as shown.

Motion: Move to approve Second Amendment to the Joint Exercise of Powers Agreement, and recommend that each member agency adopt the Draft Resolution as shown.

### **SUMMARY:**

A review of the RBRA Code suggests that it is prudent to determine whether, for issues not addressed in the RBRA Code, the RBRA should be subject to relevant sections of the Government Code addressed to cities or counties. This is an administrative action only, will have no effect on prior or current actions of the RBRA, will facilitate an update of the RBRA Code, and will ensure compliance with State law.

### **FISCAL IMPACT:**

None.

### Attachments:

DRAFT Resolution

**SECOND AMENDMENT TO RICHARDSON BAY  
JOINT EXERCISE OF POWERS AGREEMENT**

THIS AMENDMENT, made and entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the COUNTY OF MARIN, a political subdivision of the State of California, hereinafter referred to as “County”, and the CITIES OF BELVEDERE and MILL VALLEY and the TOWN OF TIBURON, municipal corporations of the State of California, hereinafter referred to as “CITIES”.

WITNESSETH:

WHEREAS, COUNTY and CITIES, along with City of Sausalito, entered into a Joint Exercise of Powers Agreement (the “Agreement”) dated October 5, 2000 for the mutual exercise of certain functions within the waters of Richardson Bay would be beneficial to all parties, thereby creating the Richardson’s Bay Regional Agency (“the Agency”), a joint powers authority, pursuant to Article 1, Chapter 5, Division 7, Title 1 of the California Government Code;

WHEREAS, on July 1, 2017, the City of Sausalito withdrew from the Agreement and the Agency; and

WHEREAS, the COUNTY and CITIES seek to amend the Agreement to clarify the law governing the Agency and facilitate the Agency’s exercise of its authority.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the parties hereto do hereby agree as follows:

1. Paragraph 26 is added to the Agreement as follows:

26. Except as otherwise or permitted by law, and pursuant to Government Code section 6509, the parties hereby designate that the Agency shall be subject to the restrictions upon the manner of exercising its powers that are applicable to the County.

2 This Amendment shall become effective when representatives of all of the parties have executed it and shall continue in full force and effect until terminated by an agreement executed by all parties.

3. Except as expressly modified by this Amendment, all other terms and conditions of the Agreement not specifically modified, amended or superseded herein remain unchanged and in full force and effect.

4. This Amendment may be executed in any number of counterparts, each of which will be entitled to be the original and all of which will constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have entered into this Amendment the day and year first above written.

[SIGNATURES BEGIN ON NEXT PAGE]

Date: \_\_\_\_\_

COUNTY OF MARIN

By \_\_\_\_\_

Its \_\_\_\_\_

Date: \_\_\_\_\_

CITY OF BELVEDERE

By \_\_\_\_\_

Its \_\_\_\_\_

Date: \_\_\_\_\_

CITY OF MILL VALLEY

By \_\_\_\_\_

Its \_\_\_\_\_

Date: \_\_\_\_\_

TOWN OF TIBURON

By \_\_\_\_\_

Its \_\_\_\_\_