



Council Meeting: February 9, 2010

SUBJECT: Consideration of a Resolution Amending the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program

DISCUSSION

The Santa Clara Valley Transportation Authority (VTA) Board of Directors has taken action to approve a modification of the Joint Powers Agreement (JPA) for the administration of the Santa Clara County Congestion Management Program (CMP). The proposed amendment would reconfigure City groupings that determine representation on the VTA Board. Sunnyvale would be in a new City grouping with Santa Clara and Milpitas, replacing the current grouping that places Sunnyvale in a group with Palo Alto, Mountain View, Los Altos, Los Altos Hills and Santa Clara. Amendment of the JPA requires the approval of a resolution by the VTA Board, the County Board of Supervisors, and a majority of Santa Clara County cities representing a majority of the population. The VTA is requesting that Sunnyvale consider approval of the attached resolution (Attachment A).

BACKGROUND

The Santa Clara County CMP exists to satisfy State congestion management law, which places certain requirements on local jurisdictions with the intent of creating a comprehensive transportation improvement program that reduces traffic congestion and improves land use planning and air quality. The Santa Clara County CMP was formed in 1994, at which time a JPA establishing the makeup of a Board of Directors and representation formulas calling for groupings of cities and numbers and terms of Board seats in order to maximize representation of Santa Clara County residents.

Over the past year efforts have been put forth to modify a City grouping which had Milpitas in a group with Gilroy and Morgan Hill. The South County cities believed that their representation was not adequate given the geographical separation from Milpitas and the differing characteristics of the cities.

The VTA Board recently acted to approve an amendment to the CMP JPA which would create a new city grouping with Milpitas, Sunnyvale and Santa Clara. This would create a south county-only City grouping of Gilroy and Morgan Hill, and sever Sunnyvale and Santa Clara from a north county grouping of cities.

More detailed information is provided in materials from the VTA which are included as Attachment B.

The proposed action would reduce the representation of Sunnyvale residents on the VTA Board by creating a new City grouping, and would disproportionately increase the representation of south county residents on the VTA Board. City policy calls for the City's interests to be advanced in intergovernmental activities. The proposed amendment would run counter to advancing City interests. Staff is recommending against approval of the resolution amending the CMP JPA.

EXISTING POLICY

Land Use and Transportation Element R1.3.1, participate in intergovernmental activities related to regional and sub-regional land use and transportation planning in order to advance the City's interests.

FISCAL IMPACT

The proposed amendment increases the representation of the south county cities. Should voting blocks of City groups form, for example south county cities and the City of San Jose, this may direct transportation funding to these cities and away from Sunnyvale. The actual fiscal impact cannot be quantified, however.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

ALTERNATIVES

1. Approve the attached resolution amending the CMP JPA to create a new City grouping of Sunnyvale, Santa Clara and Milpitas.
2. Do not approve the attached resolution amending the CMP JPA to create a new City grouping of Sunnyvale, Santa Clara and Milpitas.
3. Take no action at this time.

RECOMMENDATION

Staff recommends Alternative No. 2: Do not approve the attached resolution amending the CMP JPA to create a new City grouping of Sunnyvale, Santa Clara and Milpitas.

The proposed amendment creates a disproportionate representation of residents of Santa Clara County on the VTA Board, and specifically reduces the representation of Sunnyvale residents.

Reviewed by:

Marvin A. Rose, Director of Public Works

Prepared by: Jack Witthaus, Transportation and Traffic Manager

Approved by:

Gary M. Luebbbers, City Manager

ATTACHMENTS:

- A) Resolution Approving Amendment to Joint Powers Agreement for Administration of Santa Clara County Congestion Management Program
- B) Copy of Letter from VTA Requesting Approval of a Proposed Reconfiguration of City Groups from which Representatives to the VTA Board of Directors is selected.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE APPROVING AMENDMENT TO JOINT POWERS AGREEMENT FOR ADMINISTRATION OF SANTA CLARA COUNTY CONGESTION MANAGEMENT PROGRAM

WHEREAS, the Santa Clara Valley Transportation Authority (VTA), the fifteen (15) cities in the County of Santa Clara, and the County of Santa Clara, entered into a Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program (hereinafter "Agreement") dated December 1, 1994; and

WHEREAS, Section 6 of the Agreement, pursuant to California Public Utilities Section 100060, established the groupings of the Cities within the County of Santa Clara, other than the City of San Jose, for the appointment of members to the Santa Clara County Transit District (now the Santa Clara Valley Transportation Authority) Board of Directors; and

WHEREAS, on November 5, 2009, the VTA Board of Directors approved the reconfiguration of the groupings of the Cities within the County of Santa Clara, other than the City of San Jose, to include a new city group comprised of Sunnyvale, Santa Clara and Milpitas, that would appoint two Board members and one alternate; and

WHEREAS, to implement such reconfiguration, the Agreement must be amended through the adoption of resolutions by VTA, the Santa Clara County Board of Supervisors, and a majority of the Member Agency parties to the Agreement (other than Santa Clara County) representing a majority of the population in Santa Clara County, pursuant to Section 15 thereof.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sunnyvale that the attached Amendment to the Agreement, which Amendment would reconfigure the groupings of the cities within the County of Santa Clara, other than the City of San Jose, to include a new city group comprised of Sunnyvale, Santa Clara and Milpitas, that would appoint two Board members and one alternative, is hereby approved.

Adopted by the City Council at a regular meeting held on _____, 2010, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM AND LEGALITY:

David Kahn, City Attorney

ATTACHMENT B



CITY OF SUNNYVALE, CA
CITY CLERK'S OFFICE

2009 DEC 21 A 10:16

December 15, 2009

Katherine Chappellear, Interim City Clerk
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94086

Dear Ms. Chappellear:

At the December 10, 2009 meeting of the Santa Clara Valley Transportation Authority (VTA) Board of Directors, the Board approved Resolution No. 2009.12.35 amending *the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program* (JPA) dated December 1st, 1994.

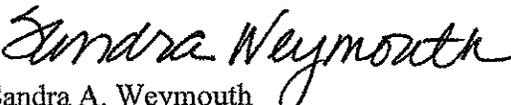
This amendment will reconfigure the city groups (other than San Jose and Santa Clara County) from which representatives to the VTA Board of Directors are selected. The reconfiguration is more fully described in the attached *Amendment to Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program*. The effective date of this change is for terms beginning in January of 2012.

All amendments to the JPA require the approval of the VTA Board of Directors, the County Board of Supervisors and a majority of the cities representing a majority of the population.

Attached for your information is the Board Memo describing the background of this change, a copy of the Board Resolution and the proposed Amendment. I respectfully request you submit this item to your council for their approval at your earliest convenience. Upon approval we will hand deliver the original Amendment for the authorized signature.

If you have any questions or need further information on the item, VTA staff will be happy to meet with your city manager. I will be happy to answer any questions regarding the handling of the documents please contact me directly at 408.321.7046.

Yours truly,


Sandra A. Weymouth
Board Secretary



Date: November 25, 2009
Current Meeting: December 10, 2009
Board Meeting: December 10, 2009

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Senior Policy Advisor, Jim Lawson

SUBJECT: Governance Amendment to JPA

APPROVED ACCEPTED ADOPTED AMENDED DEFERRED REVIEWED

Santa Clara Valley Transportation Authority
Board of Directors
Sandra A. Weymouth, Board Secretary

BY *Sandra A. Weymouth*

DATE 12-10-09

Copy to: Jim Lawson 12/11/09 mmg

Policy-Related Action: Yes

Government Code Section 84308 Applies: No

ACTION ITEM
RESOLUTION NO. 2009.12.35

RECOMMENDATION:

Approve the attached resolution to amend the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program dated December 1, 1994 (JPA), and direct staff to forward the amendment to each member agency and the County of Santa Clara for their approval.

BACKGROUND:

At the November 5, 2009 Board of Directors meeting, the Board voted to reconfigure the small city groupings to include a new city group comprised of Sunnyvale, Santa Clara and Milpitas. In order to make this change to VTA's governance structure, an amendment must be made to the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program dated December 1, 1994 (JPA).

Attached is the resolution with the proposed amendment which reflects the direction agreed upon by the Board at its November 5 meeting.

DISCUSSION:

All amendments to the JPA require the approval of the VTA Board of Directors, the County Board of Supervisors and a majority of the cities representing a majority of the population.

Once approved by the VTA Board, the amendment will be forwarded to every city and the County Board of Supervisors for their consideration.

ALTERNATIVES:

There are no alternatives to implementing the governance change approved by the Board of Directors without amending the JPA.

FISCAL IMPACT:

There are no fiscal impacts.

Prepared by: Scott Haywood
Memo No. 2395

Resolution No. 2009.12.35

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
APPROVING AMENDMENT TO JOINT POWERS AGREEMENT
FOR ADMINISTRATION OF SANTA CLARA COUNTY
CONGESTION MANAGEMENT PROGRAM**

WHEREAS, the Santa Clara Valley Transportation Authority (VTA), the fifteen (15) Cities in the County of Santa Clara, and the County of Santa Clara, entered into a JOINT POWERS AGREEMENT FOR THE ADMINISTRATION OF THE SANTA CLARA COUNTY CONGESTION MANAGEMENT PROGRAM (hereinafter "Agreement") dated December 1, 1994;

WHEREAS, Section 6 of the Agreement, pursuant to California Public Utilities Section 100060, established the groupings of the Cities within the County of Santa Clara, other than the City of San Jose, for the appointment of members to the Santa Clara County Transit District (now the Santa Clara Valley Transportation Authority) Board of Directors;

WHEREAS, on November 5, 2009, the VTA Board of Directors approved the reconfiguration of the groupings of the Cities within the County of Santa Clara, other than the City of San Jose, to include a new city group comprised of Sunnyvale, Santa Clara and Milpitas, that would appoint two Board members and one alternate;

WHEREAS, to implement such reconfiguration, the Agreement must be amended through the adoption of resolutions by VTA, the Santa Clara County Board of Supervisors, and a majority of the Member Agency parties to the Agreement (other than Santa Clara County) representing a majority of the population in Santa Clara County, pursuant to Section 15 thereof;

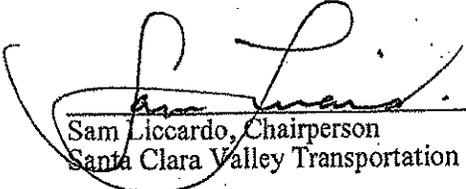
NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the Santa Clara Valley Transportation Authority, that the attached Amendment to the Agreement, which Amendment would reconfigure the groupings of the Cities within the County of Santa Clara, other than the City of San Jose, to include a new city group comprised of Sunnyvale, Santa Clara and Milpitas, that would appoint two Board members and one alternate, is hereby approved.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on December 10, 2009, by the following vote:

AYES: Directors: **CASAS, GAGE, HERRERA, KISHIMOTO, KNISS, LICCARDO, PAGE, PYLE, SELLERS**

NOES: Directors: **NONE**

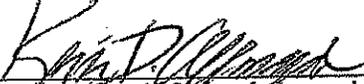
ABSENT: Directors: **CASERTA, KALRA, REED**



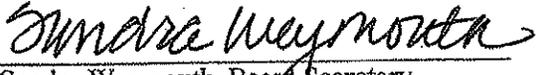
Sam Liccardo, Chairperson
Santa Clara Valley Transportation Authority

APPROVED AS TO FORM:

ATTEST:



Kevin D. Allmand, General Counsel
Santa Clara Valley Transportation Authority



Sandra Weymouth, Board Secretary
Santa Clara Valley Transportation Authority

**AMENDMENT TO
JOINT POWERS AGREEMENT
FOR THE ADMINISTRATION
OF THE SANTA CLARA COUNTY
CONGESTION MANAGEMENT PROGRAM**

THIS AMENDMENT TO JOINT POWERS AGREEMENT (hereinafter "Amendment") dated as of December 10, 2009 is made and entered into between Cities within the County of Santa Clara, the County of Santa Clara and the Santa Clara Valley Transportation Authority (formerly known as the Santa Clara County Transit District).

RECITALS

WHEREAS, the parties hereto entered into a JOINT POWERS AGREEMENT FOR THE ADMINISTRATION OF THE SANTA CLARA COUNTY CONGESTION MANAGEMENT PROGRAM (hereinafter "Agreement") dated December 1, 1994;

WHEREAS, Section 6 of the Agreement, pursuant to California Public Utilities Section 100060, established the groupings of the Cities within the County of Santa Clara, other than the City of San Jose, for the appointment of members to the Santa Clara County Transit District (now the Santa Clara Valley Transportation Authority) Board of Directors;

WHEREAS, the parties now desire to amend Section 6 to reconfigure the groupings of the Cities within the County of Santa Clara, other than the City of San Jose, to include a new city group comprised of Sunnyvale, Santa Clara and Milpitas, that would appoint two Board members and one alternate;

NOW, THEREFORE, the parties hereto agree as follows:

- (1) Section 6.A.1 of the Agreement is hereby amended to read as follows:

The five (5) city council members and three (3) alternates to be appointed as Directors by all the cities in Santa Clara County except the City of San Jose shall be selected according to the following groupings:

<u>City Grouping</u>	<u>Representatives</u>
a. Los Altos Los Altos Hills Mountain View Palo Alto	1 representative 1 alternate

CITY OF MILPITAS

By: _____
Date

CITY OF MONTE SERENO

By: _____
Date

CITY OF MORGAN HILL

By: _____
Date

CITY OF MOUNTAIN VIEW

By: _____
Date

CITY OF PALO ALTO

By: _____
Date

CITY OF SAN JOSE

By: _____
Date

By: _____
Date

CITY OF SARATOGA

By: _____
Date

CITY OF SUNNYVALE

By: _____
Date

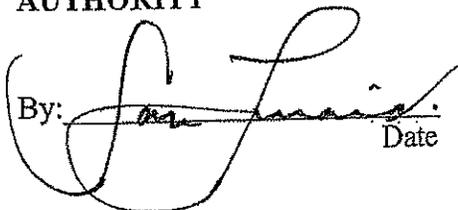
CITY OF SANTA CLARA

By: _____
Date

COUNTY OF SANTA CLARA

By: _____
Date

**SANTA CLARA VALLEY TRANSPORTATION
AUTHORITY**

By:  _____
Date