

OFFICE OF THE
COUNTY ADMINISTRATOR

Matthew H. Hymel
COUNTY ADMINISTRATOR

Daniel Eilerman
ASSISTANT COUNTY
ADMINISTRATOR

Angela Nicholson
ASSISTANT COUNTY
ADMINISTRATOR

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January 11, 2022

Honorable Board of Supervisors
Marin County Civic Center
San Rafael, CA 94903



SUBJECT: Richardson's Bay Regional Agency (RBRA) Joint Exercise of Powers Agreement Amendment No. 2

Dear Board Members:

RECOMMENDATION: Adopt resolution approving Second Amendment to the RBRA Joint Exercise of Powers Agreement

SUMMARY: State law requires that a JPA agreement identify that a JPA's powers are subject to the restrictions on exercise of powers of one of the member agencies. The Richardson's Bay Regional Agency (RBRA) JPA Agreement does not contain this necessary term.

The RBRA Board of Directors, including the City of Mill Valley, City of Belvedere, Town of Tiburon, and the County of Marin, requests that each Member Agency seek approval from its respective legislative body of this second amendment to the Joint Exercise of Powers Agreement and that each member agency adopt the Resolution as attached to effectuate this technical change.

County Counsel confirms that the recommended action is an administrative action or technical clarification only. Adoption will have no effect on prior or current actions of the RBRA, however will facilitate future updates of the RBRA Code and will better ensure compliance with state law.

Sincerely,

Daniel Eilerman,
Assistant County Administrator,

Attachment: Resolution

Cc: Stephen McGrath, Executive Director, RBRA
Brian Washington, County Counsel
Jenna Brady, Chief Deputy County Counsel

CA3

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

THIS AMENDMENT, made and entered into this 11th day of January, 2022, 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: JAN 11, 2022

COUNTY OF MARIN

By 
KATIE RICE
Its PRESIDENT

Date: _____

CITY OF BELVEDERE

By _____

Its _____

Date: _____

CITY OF MILL VALLEY

By _____

Its _____

Date: _____

TOWN OF TIBURON

By _____

Its _____

CITY OF BELVEDERE

RESOLUTION NO. 2022-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO THE RICHARDSON'S BAY
REGIONAL AGENCY JOINT POWERS AUTHORITY AGREEMENT**

WHEREAS, the City of Belvedere is a member of the Richardson's Bay Regional Agency, a joint powers authority, and

WHEREAS, an administrative change to the JPA agreement is needed to bring it into conformance with State law, and

WHEREAS, said amendment was considered by the City Council at its meeting on May 9, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belvedere as follows:

The Mayor is hereby authorized on behalf of the City to sign an amendment to the Richardson's Bay Regional Agency joint powers agreement, a copy of which amendment is attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City Council of the City Of Belvedere on May 9, 2022, by the following vote:

AYES: James Campbell, Nancy Kemnitzer, James Lynch, and Mayor Wilkinson

NOES: None

ABSENT: None

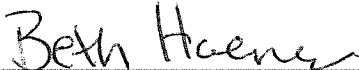
RECUSED: None

APPROVED: _____



Sally Wilkinson, Mayor

ATTEST: _____



Beth Haener, City Clerk

Exhibit A

**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 _____

RESOLUTION NO. 22-08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MILL VALLEY AUTHORIZING AN AMENDMENT
TO THE JOINT POWERS AGREEMENT
ESTABLISHING THE RICHARDSON BAY REGIONAL
AGENCY**

**THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY FINDS AND
RESOLVES AS FOLLOWS:**

SECTION 1. On October 5, 2000, a Joint Exercise of Powers Agreement (JPA) was made and entered into by and between the County of Marin and the cities/towns of Belvedere, Mill Valley, Sausalito, and Tiburon to create the Richardson Bay Regional Agency (RBRA).

SECTION 2. The County of Marin and cities/towns of Belvedere, Mill Valley, and Tiburon entered into a First Amendment to the JPA on July 21, 2018 to reflect the departure of the City of Sausalito from the JPA, and set member agency funding ratios, establish protocols for reinstatement of a departed agency, and identify Board voting thresholds for increases in agency revenue.

SECTION 3. The RBRA member agencies wish to update the JPA to clarify the law governing the RBRA and facilitate the RBRA's exercise of its authority.

SECTION 4. At its meeting on December 9, 2021, the Board of the RBRA approved a Second Amendment to the JPA and recommended that each member agency approve and execute said amendment, as attached hereto as Exhibit A.

SECTION 5. The City Council of the City of Mill Valley hereby approves and authorizes execution of the Second Amendment to the Joint Powers Agreement of the Richardson Bay Regional Agency.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the 7th day of **February, 2022**, by the following vote:

AYES: Councilmembers" Burke, McEntee, Carmel, Wickham, McCauley

NOES: None.

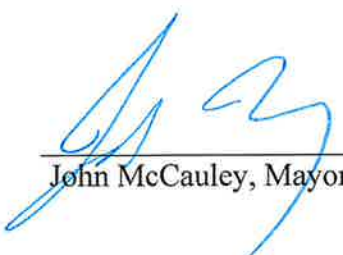
ABSENT: None.

ABSTAIN: None.

ATTEST:



Kelsey Rogers, City Clerk/Management Analyst III



John McCauley, Mayor

EXHIBIT A

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]

EXHIBIT A

Date: _____

COUNTY OF MARIN

By _____

Its _____

Date: _____

CITY OF BELVEDERE

By _____

Its _____

Date: 07.06-2022

CITY OF MILL VALLEY

By 

Its CITY MANAGER

Date: _____

TOWN OF TIBURON

By _____

Its _____

RESOLUTION NO. 05-2022

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON APPROVING A SECOND AMENDMENT TO THE JOINT POWERS AGREEMENT ESTABLISHING THE RICHARDSON'S BAY REGIONAL AGENCY

WHEREAS, on October 5, 2000, a Joint Exercise of Powers Agreement (JPA) was made and entered into by and between the County of Marin and the cities of Belvedere, Mill Valley, Sausalito, and Tiburon; and

WHEREAS, the City of Sausalito withdrew from the JPA on July 1, 2017, and the remaining member agencies approved a first amendment to the JPA agreement in 2018 to reflect the departure of the City of Sausalito, set member agency funding ratios, establish protocols for reinstatement of a departed agency, and identify Board voting thresholds for increases in agency revenue; and

WHEREAS, Government Code Section 6509 requires that the agency members identify by name the agency whose procedures and policies will serve as the basis for restricting and determining how the entity will exercise its powers; and

WHEREAS, the current Agreement does not contain this necessary information and the RBRA Board of Directors has requested each member agency adopt an amendment to the Agreement identifying the County of Marin as the member agency whose policies and procedures will serve as the basis for exercising the JPA's powers.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Tiburon approves the amendments to the JPA agreement and authorizes the execution of the Second Amendment to Richardson Bay Joint Exercise of Powers Agreement.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon this 19th day of January, 2022, by the following vote:

AYES:	COUNCILMEMBERS:	Fredericks, Griffin, Ryan, Thier, Welner
NAYS:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

JON WELNER, MAYOR
TOWN OF TIBURON

ATTEST:

LEA STEFANI, TOWN CLERK

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

THIS AMENDMENT, made and entered into this 19 day of January, 2022, 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.

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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 Town Manager