

RESOLUTION NUMBER 3194

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, TO AUTHORIZE THE AMENDMENT OF ARTICLES 8(d), 10, 11 AND 22 OF THE AMENDED AND RESTATED JOINT POWERS AGREEMENT (“JPA”) OF THE PUBLIC ENTITY RISK MANAGEMENT AUTHORITY (“PERMA”) TO CONFORM THE JPA TO THE BYLAWS AND CURRENT PRACTICE.

WHEREAS, Article 1, Chapter 4, Division 7, Title 1 of the California Government Code permits two or more public agencies by agreement to exercise jointly powers common to the contracting parties; and

WHEREAS, California Government Code Section 990.4 provides that a local public entity may self-insure, purchase insurance through an authorized carrier, or purchase insurance through a surplus line broker, or any combination of these; and

WHEREAS, Article 24 of the JPA allows the JPA to be amended at any time by a vote of two-thirds of the member organizations, acting through their governing boards; and

WHEREAS, PERMA currently has 26 members, thus requiring 18 members to vote to amend the JPA to make an amendment effective; and

WHEREAS, this is the Governing Board of a member of PERMA; and

WHEREAS, this Governing Board is desirous of amending Articles 8(d), 10, 11 and 22 of the JPA to conform to the existing bylaws and practice; and

WHEREAS, Article 8 describes the powers and functions of the Board of Directors, including Article 8(d), which states that “The Board shall elect the officers of the Authority;” and

WHEREAS, Article 10 currently states:

ARTICLE 10

OFFICERS

The Board of Directors shall annually elect from its membership a President and Vice President of the Board at its regular annual meeting to service for one-year terms.

The President, or in his or her absence, the Vice President, shall preside at and conduct all meetings of the Board and chair the Executive Committee.

Said powers shall be exercised pursuant to the terms hereof and in the manner provided by law.

WHEREAS, Article 11 of the JPA currently states:

ARTICLE 11

EXECUTIVE COMMITTEE

The Board of Directors may establish an Executive Committee of the Board which shall consist of five persons; the President and Vice President of the Board and three directors elected by the Board from its membership.

The terms of office of the three non-officer members shall be as provided for in the Bylaws of the Authority.

The Executive Committee shall conduct the business of the Authority between meetings of the Board, exercising such powers as are delegated to it by the Board, under the direction of the Board.

WHEREAS, Article 22 of the JPA currently states:

ARTICLE 22

BYLAWS AND PROCEDURES MANUAL

As soon as practicable after the effective date of this Agreement, the Bylaws will be amended to reflect this new Amended and Restated Joint Powers Agreement. The Bylaws and Procedures Manual will govern the day-to-day operations of the Authority. Upon adoption by the Board, such documents shall be delivered by the Authority to each Member Organization.

WHEREAS, these amendments will become effective on the day that PERMA receives the eighteenth (18th) affirmative member vote to make these amendments to the JPA.

NOW, THEREFORE, BE IT RESOLVED that this Governing Board votes to amend Articles 8(d), 10, 11 and 22 of the JPA to state as follows:

ARTICLE 8(d):

The Board, either directly or through the Executive Committee, shall elect the officers of the Authority.

ARTICLE 10:

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OFFICERS

The Board of Directors, either directly or through the Executive Committee, shall annually elect from its membership a President and Vice President of the Board at its regular annual meeting to service for one-year terms.

The President, or in his absence, the Vice President, shall preside at and conduct all meetings of the Board and chair the Executive Committee.

Said powers shall be exercised pursuant to the terms hereof and in the manner provided by law.

ARTICLE 11:

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EXECUTIVE COMMITTEE

The Board of Directors may establish an Executive Committee of the Board which shall consist of seven persons: the President and Vice President of the Board, and five directors elected by the Board from its membership.

The terms of office of the seven members shall be as provided in the Bylaws of the Authority.

The Executive Committee shall conduct the business of the Authority between the meetings of the Board, exercising such powers as are delegated to it by the Board, under the direction of the Board.

ARTICLE 22:

ARTICLE 22

BYLAWS

As soon as practical after the effective date of this Agreement, the Bylaws will be amended to reflect this new Amended and Restated Joint Powers Agreement. The Bylaws will govern the day-to-day operations of the Authority. Upon adoption by the board, the Bylaws shall be delivered by the Authority to each Member Organization.

This Governing Board hereby authorizes Hector Apodaca, City Manager, to execute an amended and restated JPA incorporating the amendments set forth above.

ADOPTED, SIGNED and ***APPROVED*** this 24th day of February, 2004.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Margaret Rey

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 3194 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 24th day of February, 2004, by the following called vote:

AYES: Rogers, Yarbrough, Landers, Motte, Busch

NOES:

ABSENT:

ABSTAIN:

City Clerk, Margaret Rey