

A wide-angle photograph of a natural wetland area. In the foreground, there is a wooden walkway or bridge structure made of weathered planks, surrounded by lush green vegetation and small yellow flowers. A calm body of water, likely a pond or a slow-moving stream, occupies the middle ground, reflecting the sky and the surrounding greenery. The background shows rolling hills and mountains under a partly cloudy sky.

**Proposed Joint
Powers Agency (JPA)
Agreement for Cities
Association of Santa
Clara County (CASCC)**

Discussion to Provide
Feedback to CASCC

OCTOBER 16, 2023

www.cityofpaloalto.org

PURPOSE

- Discussion and potential direction to provide feedback to the Cities Association of Santa Clara County (CASCC) on the proposed Joint Powers Agency (JPA) Agreement for CASCC
- Should Council propose changes to the Agreement, staff and Mayor Kou (as the City's representative on CASCC) will convey to CASCC; which may consider revising the Agreement in response to this feedback, and the final Agreement will be brought back to Council for consideration.

What is the CASCC?

- Improve cooperation on issues of common interest
- Maintain the functions and purposes of the Inter-City Council, the Santa Clara County Mayors Conference, and the City Selection Committee for Santa Clara County
- The City Selection Committee will continue irrespective of a JPA, and appoints members to a variety of regional boards including:
 - Airport Land Use Commission,
 - the Association of Bay Area Governments (ABAG),
 - ABAG Regional Planning Committee,
 - Bay Area Air Quality Management District (BAAQMD),
 - Sourcewise, the Local Agency Formation Commission (LAFCO),
 - Metropolitan Transportation Commission (MTC),
 - Santa Clara County Local Board CAL-ID-RAN,
 - Santa Clara County Emergency Operational Area Council (EOAC),
 - Silicon Valley Regional Interoperability Authority (SVRIA),
 - Recycling Waste & Reduction Commission (RWRC),
 - Redevelopment Dissolution Countywide Oversight Board of Santa Clara County, and
 - Santa Clara County Measure A (Housing Bond) Independent Citizens' Oversight Committee.

OVERVIEW

- CASCC Executive Committee & contract staff state JPA will increase clarity of **tax status** and governmental **immunity** and limit **liability** of member agencies
- Draft circulated to City/Town Attorneys and City/Town Managers for feedback
- Draft agreement incorporated comments and changes in response to feedback, however there are issues remaining for council to consider



ANALYSIS | Alternatives to a JPA

- Identify alternative ways to **avoid liability**, for example:
 - Refrain from hiring employees
 - Avoid involvement in initiatives without sufficient management or checks & balances
- Offer City **support**, for example:
 - Act as fiscal agent
 - Provide in-kind services



ANALYSIS | Scope and Purpose

- Consider narrowing language describing JPA **scope and purpose**, for example:
 - More tightly define purposes and powers in Articles 2 and 6
 - Adding prohibited activities to Article 7
 - Indicating level of consensus required (e.g., simple majority or supermajority)



ANALYSIS | Fiscal Management

- Ensure member agencies can provide **timely input to budget preparation**, for example:
 - Establish a Working Committee consisting of member agency staff and assign it responsibility for ensuring preparation and stated deadlines for budget distribution to members
- Specify cost allocation, for example:
 - Clearly **define cost allocations** and process for changes



ANALYSIS | Significant Programs

- Appoint and establish a Working Committee to proactively **identify what may constitute a significant program** and advise Board on issues which may not at first appear to be significant



ANALYSIS | Contract/Contractor Oversight

- Address **responsibilities for selection, performance evaluation and potential termination** of contractors, for example:
 - Specify responsibility of Board and Executive Committee or
 - Create a member agency staff structure for supporting these duties.



ANALYSIS | Executive Committee Authority

- Address the potential that Executive Committee **decisions and activities may not align with Board overall**—decisions other than annual budget largely left in Executive Committee hands

Recommendation

City Council discussion is recommended, as well as potential direction, to provide feedback to CASCC regarding the proposed JPA Agreement for CASCC





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