



MARK PESTRELLA, Director

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS**

"To Enrich Lives Through Effective and Caring Service"

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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

46 June 11, 2019

CELIA ZAVALA
EXECUTIVE OFFICER

June 11, 2019

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**TRANSPORTATION CORE SERVICE AREA
FISCAL YEAR 2018-19
ANTELOPE VALLEY TRANSIT AUTHORITY
FIRST AMENDMENT TO THE AMENDED AND RESTATED
JOINT EXERCISE OF POWERS AGREEMENT
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

This action is to approve the First Amendment to the Amended and Restated Antelope Valley Transit Authority Joint Exercise of Powers Agreement to clarify the qualifications for appointing directors and alternate directors and authorize the three-member agencies to appoint more than one alternate director to the Antelope Valley Transit Authority Board.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the proposed actions are not a project under the California Environmental Quality Act for the reasons stated in this Board letter and in the record of the project.
2. Approve the First Amendment to the Amended and Restated Joint Exercise of Powers Agreement, which clarifies the qualifications for appointing directors and alternate directors and revises the number of alternate directors that each of the three-member jurisdictions may appoint, from one to more than one.
3. Delegate authority to the Fifth Supervisorial District to appoint Antelope Valley Transit Authority Board members and Alternate Board members on behalf of Los Angeles County.

4. Instruct the Chair of the Board to sign the amendment.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will find that they are not subject to the California Environmental Quality Act (CEQA) and will amend the Amended and Restated Antelope Valley Transit Authority (AVTA) Joint Exercise of Powers Agreement (JEPA).

On February 25, 1992, the Board authorized the Director of Public Works to enter into the JEPA between Los Angeles County and the Cities of Lancaster and Palmdale to form a Joint Powers Authority (JPA) to provide for planning, contracting, and operating public transportation services in the Antelope Valley. The JEPA can only be amended by the agreement of the legislative bodies of all three-member agencies.

The Board approved the Amended and Restated JPA on March 6, 2012. This revised the original JPA designating the City of Lancaster as the member jurisdiction whose statutory mode applies to AVTA, adjusting the Executive Director's spending limit authority and eliminating provisions allowing for the involuntary termination of a member by the other members.

The enclosed amendment clarifies the qualifications for appointing directors and alternate directors. It also authorizes the Cities of Lancaster and Palmdale to appoint directors at large, rather than only from their respective City Council members and authorizes the three-member agencies to appoint more than one alternate director to the AVTA Board. The revisions to the JEPA will help the member agencies make sure they have full representation at the Board meetings.

Implementation of Strategic Plan Goals

The County Strategic Plan directs the provision of Strategy II.2, Support the Wellness of our Communities and Objective II.2.4, Promote Active and Healthy Lifestyles. The recommended actions will allow AVTA to continue providing quality transit services for residents of the unincorporated County communities to access educational, recreational, shopping, medical, and business opportunities.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

County Counsel has approved this amendment as to form. On February 26, 2019, the AVTA Board of Directors voted to approve the First Amendment to the Amended and Restated JEPA and to present it to the respective governing bodies of the member agencies for execution. The amendment will be concurrently executed by the Cities of Lancaster and Palmdale.

ENVIRONMENTAL DOCUMENTATION

The recommended actions are not subject to CEQA because they are activities that are excluded from the definition of a project by Section 21065 of the Public Resources Code and Section 15378(b) of the State CEQA Guidelines. This proposed action to amend the AVTA JEPA is an organizational

or administrative activity of government that will not result in direct or indirect physical changes to the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action will have no impact on current services or projects administered by this Department.

CONCLUSION

Please return one adopted copy of this letter and the five original signed amendments to Public Works, Transportation Planning and Programs Division. Upon execution by the Cities of Lancaster and Palmdale, we will return a fully executed copy to you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Pestrella". The signature is fluid and cursive, with the first name "Mark" written in a larger, more prominent script than the last name "Pestrella".

MARK PESTRELLA

Director

MP:DBM:pr

Enclosures

c: Chief Executive Office (Chia-Ann Yen)
County Counsel (Julia C. Weissman)
Executive Office

NB 1 – ATTACHMENT A

FIRST AMENDMENT OF THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE COUNTY OF LOS ANGELES, THE CITY OF PALMDALE, AND THE CITY OF LANCASTER CREATING AN AGENCY TO BE KNOWN AS THE ANTELOPE VALLEY TRANSIT AUTHORITY

This Amendment is entered into by the County of Los Angeles, a political subdivision of the State of California ("County"), the City of Palmdale, a municipal corporation ("Palmdale"), and the City of Lancaster, a municipal corporation ("Lancaster"). Palmdale and Lancaster are sometimes collectively referred to herein as "Cities." The Cities and the County are sometimes individually referred to herein as "Party" and collectively as "Parties."

WHEREAS, the Parties entered into a Joint Exercise of Powers Agreement ("Agreement") for the creation of an agency to be known as the Antelope Valley Transit Authority ("Authority") in 1992; and

WHEREAS, the Parties thereafter entered into an Amended and Restated Joint Exercise of Powers Agreement ("Amended Agreement"), dated for reference as of November 22, 2011, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Parties desire to clarify certain provisions of the Amended Agreement consistent with and in recognition of the Parties' practices.

NOW, THEREFORE, in consideration of the mutual benefits, promises, and agreements set forth herein, the Parties agree as follows:

Section 1. The Parties agree that Section 2(B) of the Amended Agreement referenced above and attached hereto as Exhibit "A," be deleted in its entirety and revised to read as follows:

- B. Board of Directors. The Authority shall be governed by a Board of Directors ("Board"). The Board shall be composed of six designated directors and such alternate directors as the Parties may designate. Except as provided in subparagraph (3) below, any reference in this Agreement to "the full Board" shall be deemed a reference to the six designated directors. The directors shall be appointed as follows:
- (1) The Cities shall each appoint to the Board (i) two designated directors, from their respective jurisdiction, and (ii) one or more alternate director(s). The Supervisor on the Los Angeles County Board of Supervisors who represents some or all of the Antelope Valley shall appoint to the Board two designated directors and one or more alternate directors. No person who receives the substance of his or her income from another transit operating agency or who receives from transit providers campaign contributions in excess of \$250 may be a director.
 - (2) Each director and alternate director shall serve at the pleasure of his or her appointing authority and until his or her successor has been appointed.
 - (3) In the absence of a Party's designated director at a Board meeting, the alternate director, when serving in place of the designated director for that

Party, shall be counted as part of the quorum, may vote on all matters coming before the Board, and may participate in closed session(s) at that meeting. Otherwise, alternate directors shall not be counted as part of the quorum at a Board meeting, nor vote on matters coming before the Board at a meeting, nor attend closed session(s).

Section 2. Other than as modified and amended herein, all other terms and conditions of the Amended Agreement shall remain in full force and effect.

Section 3. All capitalized terms not defined herein shall have the meanings set forth in the Amended Agreement.

TO EFFECTUATE THIS AMENDMENT, each of the Parties has caused this Amendment to be executed and attested by its duly authorized officers on the date set forth below.

COUNTY OF LOS ANGELES

CITY OF PALMDALE

By: _____
Chair, Board of Supervisors

By: _____
Steven D. Hofbauer, Mayor

Date: _____

Date: _____

ATTEST: _____
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

ATTEST: _____
Rebecca J. Smith, City Clerk

APPROVED AS TO FORM:

By: _____
Deputy

By: _____
Wm. Matthew Ditzhazy, City Attorney

APPROVED AS TO FORM:

County Counsel

By: Julia Weiseman
Deputy

CITY OF LANCASTER

By: _____
Jason Caudle, City Manager

Date: _____

ATTEST: _____
Britt Avrit, City Clerk

APPROVED AS TO FORM:

By: _____
Allison E. Burns, City Attorney