


CITY COUNCIL ACTION REQUEST

Department(s): City Manager's Office	CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment.	Coordination: City Attorney's Office	Dept. Approval: /s/ Sarah Zaraté
Council District(s): Citywide			CMO Approval:  1/19/23

SUBJECT: AMENDMENT TO THE JOINT POWERS AGREEMENT FOR THE CALIFORNIA CITIES GAMING AUTHORITY

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to execute the Amendment to the California Cities Gaming Authority (the "Authority") Joint Exercise of Powers Agreement to allow for the City of Bell, CA to join the Authority.

BASIS FOR RECOMMENDATION:

The California Cities Gaming Authority ("CCGA") was established by the execution of a Joint Exercise of Powers Agreement by the City of Gardena and the City of Inglewood on November 13, 2019.

Subsequently, the Town of Colma and the City of San José were admitted as members of the CCGA by the approval of an Amendment by each city.

It is mutually beneficial and desirable to admit the City of Bell as a member of the CCGA. In fact, the Board of Directors of the CCGA voted to admit the City of Bell as a full voting member on January 18, 2023.

On January 11, 2023, the City Council of Bell elected to become a member by adopting the attached Amendment as required by Agreement.

The attached Addendum (Attachment) will admit the City of Bell as a full voting member to the CCGA upon approval of the Addendum by the current members of the CCGA including the City of San José.

The provisions of the Amendment are summarized as follows:

A. The recitals set forth the historical and operative facts pertaining to the formation and existence of the California Cities Gaming Authority and those related to the admission of the City of Bell.

B. Paragraph 4 provides for the admission of the City of Bell as a Member by the current members of the CCGA through the consent of the Town of Colma, and Cities of Gardena, Inglewood and San José.

C. Paragraph 5 commits the City of Bell to be bound by the terms and conditions of the Amendment and the Agreement including the obligation to pay the annual contribution in the amount of \$30,000 as set forth in Paragraph 4.2 of the Agreement.

D. Paragraph 5 grants the City of Bell the right and duty to appoint one of its Council Members to serve on the Board of Directors of the CCGA including the right to participate and vote on all matters before the CCGA Board of Directors and to appoint another one of its Council Members to serve as the alternate to the CCGA Board of Directors.

Climate Smart San Jose:

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

Commission Recommendation/Input:

Board of Directors of the CCGA voted to admit the City of Bell as a full voting member on January 18, 2023.

COST AND FUNDING SOURCE:

No costs are associated with this action.

FOR QUESTIONS CONTACT: Zane Barnes, Chief Intergovernmental Relations Officer,
Zane.Barnes@sanjoseca.gov

Attachment: Amendment to the California Cities Gaming Authority Joint Exercise of Powers Agreement to Admit the City of Bell

**AMENDMENT TO
CALIFORNIA CITIES GAMING AUTHORITY
JOINT EXERCISE OF POWERS AGREEMENT
TO ADMIT THE CITY OF BELL**

This Amendment ("Amendment") to the California Cities Gaming Authority Joint Exercise of Powers Agreement ("Agreement") is made and entered into by and between the City of Gardena, the City of Inglewood, the Town of Colma, the City of San Jose and the City of Bell (hereafter "Party" or "Parties").

RECITALS

A. The California Cities Gaming Authority, a Joint Powers Authority, (hereafter "CCGA") was established on November 13, 2019 by the execution of the Agreement between the City of Gardena and the City of Inglewood and Amendments to the Agreement to add the Town of Colma and the City of San Jose.

B. Section 7.1 of the Agreement of the CCGA provides for the admission of additional governmental entities as Members of the CCGA upon such terms and conditions provided by the Board with the consent of a two-thirds vote of the Board and by the execution of a written Amendment to the Agreement by all Members of the CCGA including the additional Member.

C. The Board of Directors of the CCGA has consented, by a two-thirds vote, to admit the City of Bell as a Member to the CCGA subject to the terms and conditions of Agreement and this Amendment to the Agreement by the City of Bell and the Members of the CCGA.

D. The City Council of the City of Bell has voted to become a Member of the CCGA subject to the terms and conditions of Agreement and this Amendment to the Agreement.

NOW, THEREFORE, the Parties hereto agree as follows:

1. The recitals herein are true and correct.
2. The California Cities Gaming Authority Joint Exercise of Powers Agreement is approved and incorporated herein and made a part hereof.
3. Paragraph 3.10 of the Agreement is amended to read as follows:

The Directors shall appoint the following officers from among its Members: Chairperson, Vice Chairperson and Secretary. The Treasurer of the Authority shall be the Treasurer of a Member of the Authority, an officer or employee of a Member or the Authority, or a certified public accountant, as determined by the Board, for the term and on the conditions provided herein. The Treasurer shall also serve as the Auditor except where a certified public accountant has been designated as the Treasurer. The Board shall have the power

to appoint such additional officers as it deems necessary or desirable. All checks drawn on the Authority's accounts shall be signed by the Chairperson or the Vice Chairperson and by the Treasurer.

4. The City of Gardena, the City of Inglewood, the Town of Colma and the City of San Jose hereby agree to admit the City of Bell as a Member to the CCGA and to be bound by the terms and conditions of the Agreement and this Amendment to the Agreement.

5. The City of Bell hereby agrees to be admitted as a Member of the CCGA and to be bound by the terms and conditions of this Amendment to the Agreement and the terms and conditions of the Agreement as though it had duly executed the Agreement. The City of Bell further agrees that:

- (a) It will participate actively in the governance of the CCGA and it acknowledges that the CCGA shall be governed by a Board of Directors.
- (b) It will designate one of its council members to serve as a Regular Director of the Board of Directors of the CCGA who will agree to attend its meetings.
- (c) It will designate another of its council members to serve as an Alternate Director of the Board of Directors of the CCGA who will agree to attend its meetings, in the absence of its Regular Member.
- (d) It will pay its pro-rata share of the annual contribution set forth in Paragraph 4.1 of the Agreement in the amount of \$30,000 to the Authority in the manner set forth in Paragraph 4.2 of the Agreement meaning that its pro-rata share for the 2022-2023 fiscal year only shall be limited to \$15,000.

6. Each party hereto enters into this Amendment on the date its Presiding Officer signs it; and this Amendment to the Agreement shall be effective on the date that it is signed by the last Presiding Officer of a party to sign it. Each party hereto understands and agrees that this Amendment effectively modifies the Agreement in that the City of Bell is hereby added as a Member to the Authority with a seat on the Board of Directors of the CCGA, Paragraph 3.10 of the Agreement is modified as set forth in Paragraph 3 hereof, and the City of Bell is deemed to have signed the Agreement.

7. Each party may sign this Amendment on a separate page and each such signature page shall constitute the whole hereof.

CITY OF GARDENA

CITY OF INGLEWOOD

By: _____

By: _____

Its Mayor

Its Mayor

Date: _____

Date: _____

Attest: City Clerk

By: _____

Approved: City Attorney

By: _____

TOWN OF COLMA

By: _____

Its Mayor

Date: _____

Attest: City Clerk

By: _____

Approved: City Attorney

By: _____

CITY OF BELL

By: _____


Monica Arroyo
Its Mayor

Date: 01-17-2023

Attest: City Clerk

By: _____

Approved: City Attorney

By: _____

Attest: City Clerk

By: _____

Approved: City Attorney

By: _____

CITY OF SAN JOSE

By: _____

Its Mayor

Date: _____

Attest: City Clerk

By: _____

Approved: City Attorney

By: _____