

## Memorandum

To : The Conservancy  
The Advisory Committee

Date : March 22, 2004

  
From : Joseph T. Edmiston, FAICP, Executive Director

Subject: **Agenda Item 18: Consideration of resolution authorizing an amendment to the Mountains Recreation and Conservation Authority Joint Exercise of Powers Agreement regarding appointment of an at-large member.**

Staff Recommendation: That the Conservancy adopt the proposed amendment to the Mountains Recreation and Conservation Authority (MRCA) Joint Powers Agreement, and forward same to the Conejo Recreation and Park District and the Rancho Simi Recreation and Park District with a request that such bodies also adopt the amendment.

Legislative Authority: The Joint Exercise of Powers Act (Chapter 5 , commencing with § 6500, of Division 7 of Title 1 of the Government Code) provides:

6502. If authorized by their legislative or other governing bodies, two or more public agencies by agreement may jointly exercise any power common to the contracting parties, even though one or more of the contracting agencies may be located outside this state. . . .

6503. The agreements shall state the purpose of the agreement or the power to be exercised. They shall provide for the method by which the purpose will be accomplished or the manner in which the power will be exercised.

Background: The MRCA joint powers agreement provides for a governing board consisting of members appointed by each of the parties to the agreement, *i.e.*, Santa Monica Mountains Conservancy, Conejo Recreation and Park District, and Rancho Simi Recreation and Park District. A fourth member is nominated by the Conejo District and confirmed by the Conservancy. Questions have been raised by the Department of Finance as to whether this arrangement places too much power in the Conservancy's hands. *E.g.*, depending on how a quorum is constituted, it is possible that a majority of the votes on any particular issue could be cast by members appointed by the Conservancy (if either the Conejo or Rancho Simi member is absent, a majority could be constituted by the Conservancy's appointed member,

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plus the member confirmed by the Conservancy).

Proposal: Staff has reviewed a great many joint powers agreements and a common method of appointing additional members is by addition of an at-large member appointed by the governing board members representing the JPA signatories, and doing so for a fixed term so that the independence of that member is assured for the duration of his/her appointment. The term should be long enough so that the member gains a thorough knowledge of the workings of the authority, yet short enough that there is the possibility of appropriate rotation of office. Staff recommends a term of four (4) years.

