

RESOLUTION NO. 2017-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING AMENDMENTS TO THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS JOINT POWERS AGREEMENT AS ADOPTED BY THE COUNCIL'S GOVERNING BOARD

WHEREAS, the San Gabriel Valley Council of Governments (the "Council") is a Joint Powers Authority, which was established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Sections 6500, et seq.); and,

WHEREAS, the City of Pomona is one of the member agencies of the Council; and,

WHEREAS, the Council is currently governed by the Third Amended and Restated Joint Exercise of Powers Agreement, effective March 12, 2007, which was entered into, and modified from time to time, by its public entity members (the "Agreement"); and,

WHEREAS, the City Council desires to approve modifications to the Agreement, as adopted by the Council of Government's Governing Board, in order to revise the structure of the Council and extend the role of the Council in developing and constructing projects in the San Gabriel Valley, and to restructure and integrate the Alameda Corridor East Construction Authority ("ACE Construction Authority"), as well as to clarify member tort liability and indemnification obligations of member agencies under the Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Pomona as follows:

SECTION 1. The City Council adopts, ratifies, and approves the modifications to the Agreement, namely the Fourth Amended and Restated Joint Exercise of Powers Agreement, approved by the Governing Board of the Council on October 19, 2017, relating to the extension of the Council of Government's role in developing and constructing projects throughout the San Gabriel Valley, to establish the Capital Projects and Construction Committee, and to clarify the agreement regarding tort liability and indemnification of member agencies, which Amendment is attached hereto and incorporated herein by reference;

SECTION 2. The City Council expressly states its intent that the City not be responsible for the debts, liabilities and obligations of the Council to the maximum extent permitted by law, and that each member agency shall indemnify other member agencies to the extent of any agency liability, as specified in the revisions adopted and ratified hereby.

SECTION 3. The City Clerk shall attest and certify to the passage and adoption of this resolution and it shall become effective immediately upon its approval. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the San Gabriel Valley Council of Governments upon adoption.

APPROVED AND ADOPTED THIS 20th DAY OF NOVEMBER, 2017.

ATTEST:

CITY OF POMONA:

Eva Buice, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CITY OF POMONA

I, EVA BUICE, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 20th day of November 2017, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

Eva Buice, City Clerk