



## DISCUSSION ITEM

### Agenda Item # 5

## AGENDA REPORT SUMMARY

**Meeting Date:** January 26, 2021

**Subject:** Resolution 2021-05: North County Library Authority (“NCLA” or the “Agency”) Joint Exercise of Powers Agreement (JPA) First Amendment

**Prepared by:** Marcie Scott, NCLA Commission Liaison  
Neysa Fligor, Vice President, NCLA Commission

**Attachment(s):**

1. Resolution No. 2021-05
2. North County Library Authority Joint Exercise of Powers Agreement

**Initiated by:**

North County Library Authority

**Previous Council Consideration:**

Council considered this item on April 14, 2020 and gave direction to the NCLA Los Altos City Council Commission Members

**Fiscal Impact:**

Los Altos will no longer be responsible for paying for consultants hired by NCLA to provide administrative support services to NCLA.

**Environmental Review:**

Not Applicable

**Policy Question for Council Consideration:**

- Does the City Council wish to approve this amendment to the JPA that will allow NCLA to pay for certain administrative support services?

**Summary:**

- The City of Los Altos and Town of Los Altos Hills are the two member entities which formed the JPA in 1985. The NCLA oversees parcel tax funds to support library services for the community.
- The NCLA requires administrative support in order to meet statutory requirements, including the Brown Act.
- The original JPA language states the two member entities will split specific expenses while the City of Los Altos will provide staff and basic support to the JPA.
- Section 18 of the JPA Agreement states that the Agreement may be amended, from time to time, by unanimous action of the member entities.

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**Reviewed By:**

City Manager

JM

City Attorney

JH

Finance Director

SE

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**Subject:** Resolution No. 2021-05: North County Library Authority (“NCLA” or the “Agency”) Joint Exercise of Powers Agreement (JPA) First Amendment

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- The NCLA Commission discussed and recommended amending the JPA such that NCLA will pay the cost of consultants hired by NCLA to provide administrative support services using NCLA funds.
  - The Town of Los Altos Hills City Council (the other member entity in this JPA) approved the First Amendment to the JPA.
  - The City of Los Altos City Council is being asked to approve this First Amendment to the JPA.

**Recommended Motion:**

Move to approve Resolution No. 2021-05, amending the North County Library Authority Joint Exercise of Powers Agreement.



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### **Purpose**

The North County Library Authority (NCLA) requests the Council approve an amendment to the JPA to allow for certain expenses incurred by NCLA to be paid using NCLA funds and not by the Cities of Los Altos and Los Altos Hills. NCLA requires administrative support to achieve its mission of supporting the Los Altos libraries and to meet statutory requirements, including the Brown Act.

### **Background:**

In 1985, the Town of Los Altos Hills and City of Los Altos formed a Joint Powers Agreement (JPA) as a means to provide additional support for libraries in Los Altos. Section 12 of the JPA states in certain parts:

*“The City of Los Altos shall provide staff and basic services at no cost to the Agency. All costs and expenses of an outside nature such as auditing, legal, consultants or the like, shall be apportioned equally among the Member Entities.”*

The City of Los Altos has had its staff provide administrative support to the NCLA, and more recently, a consultant was hired to provide some of this administrative support directly to NCLA. NCLA now wishes to amend Section 12 of the JPA with the following language, which authorizes NCLA to pay consultants hired by NCLA to provide administrative support services:

*“If Agency Commission chooses by majority vote to hire a consultant or consultants solely for administrative support to serve the Agency, those costs shall be paid for with the Agency’s Operating Fund funded from a special tax or any other lawful revenue sources. Neither Member Entity shall be obligated to pay for such support staff out of its General Fund.”*

The Los Altos Hills Town Council approved amending the JPA with the language provided above. On April 14, 2020, the Los Altos City Council was asked to approve amending the JPA to add the same language. Instead of approving the amendment, the Council gave direction to the Los Altos NCLA Commission Members to further clarify the role of Los Altos City staff considering the proposed amendment. Based on that direction, the Los Altos NCLA Commission Members brought language to the NCLA Commission for review and approval. Majority of the NCLA Commission Members had concerns about the revised language because the scope was broader than the intent of the originally proposed language. Additionally, the Los Altos Hills Town Council had already approved the original amendment language.

The main purpose of the proposed amendment is to allow NCLA to use its own funds to pay a consultant to provide administrative support services, and the language drafted by the NCLA Commission and approved by Los Altos Hills accomplishes that. The roles of each Member Agency



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related to staffing and basic services would be better handled at a future date and under a separately agendized item.

**Recommendation:**

The NCLA Commission requests the Council approve Resolution No. 2021-05, approving the First Amendment to the NCLA Joint Powers Agreement.

# ATTACHMENT 1

## RESOLUTION NO. 2021-05

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS APPROVING THE FIRST AMENDMENT TO THE NORTH COUNTY LIBRARY AUTHORITY JOINT POWERS AGREEMENT**

**WHEREAS**, the city of Los Altos and the Town of Los Altos Hills are both members of the North County Library Authority (NCLA) JPA since 1985; and

**WHEREAS**, the board of NCLA has determined that an amendment to the JPA is necessary to properly allocate expenses of NCLA; and

**WHEREAS**, the amendment at Attachment A would allow NCLA to pay directly for consultants and other special services approved by the NCLA Board;

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby approves the First Amendment to the North County Library Authority Joint Powers Agreement at Attachment A and authorizes the Mayor to sign the Amendment.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the \_\_\_\_ day of \_\_\_\_, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Neysa Fligor, MAYOR

Attest:

\_\_\_\_\_  
Andrea Chelemengos, MMC, CITY CLERK

**FIRST AMENDMENT TO THE JOINT POWERS AGREEMENT OF  
NORTH COUNTY LIBRARY AUTHORITY**

This First Amendment to the Joint Powers Agreement (“First Amendment”) is made and entered into on the 13<sup>th</sup> day of January, 2020, by and between the City of Los Altos, a municipal corporation and the Town of Los Altos, a municipal corporation, both situated in the County of Santa Clara, State of California (collectively the “Parties”).

**RECITALS**

WHEREAS, on August 1, 1985, the City of Los Altos and the Town of Los Altos Hills, both located in Santa Clara County, entered into a Joint Powers Agreement (the “JPA”) to form the North County Library Authority (the “Agency”); and

WHEREAS, pursuant to Government Code sections 6500 *et seq.*, the parties to the JPA desire to amend the JPA to provide clarifying language changes with regard to the use of Agency funds.

**MUTUAL UNDERSTANDINGS**

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

1. Section 12. “Bonding Persons Having Access to Property” is hereby amended as follows:

“Section 12. Bonding Persons Having Access to Property. Officers or person or persons who have charge of, handle or have access to any money of the Agency, shall be required to file an official bond with the Agency in such amount as may be established by the Commission. Should an existing bond of any said officer or officers or person or persons be extended to cover the obligation provided herein, said bond shall be the official bond of said officers or officer or person or persons required to be posted herein. The premium of any such bond or bonds shall be an appropriate expense of the Agency. Any payment to the treasurer or auditor-controller required in the operation of the Agency shall be an appropriate charge against the Agency.

The Administrative Officer shall have the responsibility of any and all property of Agency and shall indicate approval of all claims and demands for the disbursement of Agency funds prior to submittal of said claims and demands to the Commission for approval.

The City of Los Altos shall provide staff and basic services at no cost to the Agency. All costs and expenses of an outside nature such as auditing, legal, consultants or the like, shall be apportioned equally among the Member Entities.

## ATTACHMENT 2

If Agency Commission chooses by majority vote to hire a consultant or consultants solely for administrative support to serve the Agency, those costs shall be paid for with the Agency's Operating Fund funded from a special tax or any other lawful revenue sources. Neither Member Entity shall be obligated to pay for such support staff out of its General Fund.

Section 5: This amendment is effective July 1, 2019.

Section 6: All other provisions and terms of the JPA are to remain unchanged.

Section 7: Counterparts. This Amendment may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. If this Amendment is executed in counterparts, no signatory hereto shall be bound until all the parties named below have duly executed, or caused to be duly executed, a counterpart of this Amendment by an authorized signatory.

IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment to be executed and attested by their officers thereunto duly authorized as of the date first above written.

[SIGNATURES ON FOLLOWING PAGES]

**ATTACHMENT 2**

ATTEST:

City Clerk  
City of Los Altos

City of Los Altos

By:\_\_\_\_\_

By\_\_\_\_\_  
Mayor

Dated:\_\_\_\_\_

ATTEST:

Town Clerk  
Town of Los Altos Hills

Town of Los Altos Hills

By:\_\_\_\_\_

By\_\_\_\_\_  
Mayor

Dated:\_\_\_\_\_