SPECIAL MEETING
SOUTHEASTERN TULARE COUNTY INTER-GOVERNMENTAL
COORDINATING COMMITTEE
HAMAMATSU CONFERENCE ROOM, CITY HALL
291 NORTH MAIN STREET
PORTERVILLE, CALIFORNIA
FRIDAY, JULY 18, 2008 – 4:00 P.M.

Call to Order
Roll Call:

ORAL COMMUNICATIONS
This is the opportunity to address the Board on any matter of interest.

SCHEDULED MATTERS
1. Minutes of June 10, 2008
2. Articles of Incorporation and Bylaws for Non-profit Corporation as approved by the Porterville City Council
3. Recommendation for Appointment of Special Legal Counsel
4. Update on AB 1884
5. Organizational Issues Relative to STIG/PAADA/JPA
6. Discussion of Specific Plan for Porterville Airport Area Development
7. Scheduling of Next Meeting

ADJOURNMENT

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the City of Porterville Chief Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection at the Office of City Clerk, city of Porterville, 291 North Main Street, Porterville, CA 93257, during normal business hours.

Twenty-four hour posting requirement for Special Meetings pursuant to the Ralph M. Brown Act.
Call to Order at 1:18 p.m.
Roll Call:  Board Member Cameron Hamilton, Board Member Eduardo Hernandez, Board Member Vernon Vera, Board Chairman Duane Garfield

ORAL COMMUNICATIONS

- Claudia Elliott, Sierra Messenger, spoke regarding Item No. 3, specifically requesting that the need for, and the role of, the proposed non-profit corporation be clarified. City and Tribal staff elaborated on the entity for Ms. Elliott’s edification.

SCHEDULED MATTERS

1. APPROVAL OF MINUTES OF MAY 7, 2008

BOARD ACTION:  MOVED by Member Hernandez, SECONDED by Member Vera that the Board approve the Minutes of May 7, 2008, as amended to correct the typographical error on page one regarding the time of meeting from “3:00 A.M.” to “3:00 P.M.”

M.O. 01-061008

AYES:  Hernandez, Vera, Garfield
NOES:  None
ABSTAIN:  Hamilton
ABSENT:  None

Disposition:  Approved, as amended.

2. APPOINTMENT OF CLERK TO THE COMMITTEE

Porterville City Manager John Longley presented the item, and spoke of the need for the Board’s compliance with the Ralph M. Brown Act. He recommended that Porterville Chief Deputy City Clerk Patrice Hildreth be designated as Clerk of the Board.

BOARD ACTION:  MOVED by Member Hamilton, SECONDED by Member Hernandez that the Board designate Porterville Chief Deputy City Clerk as the Clerk of the Board. The motion carried unanimously.

M.O. 02-061008

Disposition:  Approved.
3. REVIEW AND CONSIDERATION OF DRAFT ARTICLES AND BYLAWS FOR NONPROFIT CORPORATION

Tribal Administrator Rodney Martin and Porterville City Manager John Longley jointly presented the item. Staff spoke of the need for the formation of the non-profit corporation and elaborated on the significant distinction between the non-profit and the JPA. It was noted that the JPA would be the governing authority, while the non-profit would be organizational in nature and handle day-to-day business. Staff and Board Members went on to review and discuss the draft Articles of Incorporation and the various provisions of the draft By-Laws.

BOARD ACTION: MOVED by Member Hamilton, SECONDED by Member Hernandez that the Board approve Section 3.9 of the By-Laws as proposed, to read, “Majority. A majority, or at least three (3), of the total number of Board of Directors (5) shall constitute a quorum for the transaction of any business. An affirmative vote of a majority, or at least three (3), of the total number of Board of Directors is required for every act or decision of the Board of Directors.” The motion carried unanimously.

The Board and staff next discussed Section 3.4 of the By-Laws pertaining to the filling of a Board-appointed vacancy.

BOARD ACTION: MOVED by Member Hamilton, SECONDED by Member Hernandez that the Board approve the last sentence of Section 3.4 of the By-Laws to read, “A Board-Appointed vacancy on the Board of Directors shall be filled by the four other (City and Tribal-Appointed) Directors by a unanimous vote of those Directors present.” The motion carried unanimously.

Porterville City Attorney Lew advised of the need to identify a physical location for the corporation’s principal office, as provided for in Section 1.3 of the By-Laws. She indicated that the space must be accessible by both the Tribe and the City. The Board and staff briefly discussed various options, and agreed that “2780 W. Yowlumne Avenue, Suite 2” should be identified as the location.

BOARD ACTION: MOVED by Member Hamilton, SECONDED by Member Hernandez that the Board approve the By-Laws as presented and amended. The motion carried unanimously.

Mr. Longley and Mr. Martin advised that the Articles and By-Laws would be presented to their respective Councils at their next regular meetings.

Ms. Lew indicated that once approved, the Articles of Incorporation would be filed with the Secretary of State’s Office, and that immediately thereafter, a meeting should take place to appoint the Board of Directors. She emphasized the importance of following a very public process in soliciting the fifth member and in noticing the meetings.
• Claudia Elliott, Sierra Messenger, inquired as to the requirements or disqualification process for those interested in serving as the fifth member of the non-profit.

It was conveyed that the non-profit would be subject to the provisions of Government Code Section 1090. It was also noted that each of the Board Members would be required to file a Statement of Economic Interest Form 700.

Disposition: Approved, as amended.

4. REVIEW OF SPECIAL LEGAL COUNSEL PROPOSALS

Porterville City Attorney Julia Lew presented the item. It was suggested that an ad hoc subcommittee be formed comprised of Ms. Lew and Tribal General Counsel Charmaine McDarment for the purpose of reviewing and narrowing the selection. A discussion ensued with regard to the submitted proposals, during which Mr. Martin spoke of his familiarity with the firm Best, Best & Krieger, indicating their frequent adversarial position to tribes. Member Hamilton suggested that Best et al. be eliminated from consideration.

Mr. Martin advised that the firm Holland and Knight had done previous work for the Tule River Tribe. After a brief discussion, Ms. Lew indicated that said prior work should not disqualify the firm from consideration.

Ms. McDarment referred to the proposal submitted by the firm Stutz, Artiano, Shinoff & Holtz and made mention of their tribal attorney’s seeming limited experience of five years.

**BOARD ACTION:** MOVED by Member Hamilton, SECONDED by Member Hernandez that the Board eliminate the firms of Best, Best & Krieger and Stutz, Artiano, Shinoff & Holtz from consideration; and appoint Ms. Lew and Ms. McDarment to serve on an ad hoc sub-committee tasked with narrowing the field of firms and making a recommendation to the Board. The motion carried unanimously.

Disposition: Ad hoc sub-committee formed; direction provided to staff.

5. UPDATE ON AB 1884

Mr. Martin and Mr. Carrillo updated the Board and staff on the status of Assembly Bill 1884 and of efforts with regard to its passage. It was indicated that the next hearing would be that of the Senate Local Government Committee on June 18, 2008.

Disposition: Informational Report.
6. UPDATE ON LAND USE COORDINATION AGREEMENT

Staff advised of the need for the adoption of the By-Laws to proceed with the Land Use Coordination Agreement. Ms. Lew indicated that once appointed, the special counsel would assist in its drafting.

Disposition: Informational item.

7. UPDATE ON SCOPE OF WORK AND RFP FOR SUPPLEMENTAL EIR

Consultant Pete Carrillo advised that the Economic Feasibility Study was nearly complete, and that he should have the preliminary report by Monday, and the final report by Friday.

Porterville City Manager Longley requested that City staff participate in the meeting with the consultant.

Disposition: Informational item.

8. SCHEDULING OF NEXT MEETING

Mr. Martin distributed a proposed tentative summer schedule for future Committee meetings for the Board’s consideration, and a discussion ensued as to potential dates for the next meeting. Mr. Longley recommended that the next Committee meeting be the organization meeting for the non-profit, and suggested that it be scheduled a month out to allow for approval of the Articles and By-Laws and the subsequent filing with the Secretary of State’s Office. The Board and staff agreed on the following:

STIG Staff Meeting: Monday, July 7, 2008 at 1:00 p.m. at Tribal Warehouse at 2780 Yowlumne Avenue, Porterville

STIG Board Meeting: Friday, July 18, 2008 at 4:00 p.m. at Mikkabi/Hamamatsu Conference Room, Porterville City Hall, 291 North Main Street

Disposition: Next Board Meeting scheduled for Friday, July 18, 2008 at 4:00 p.m.

ADJOURNMENT

The Committee adjourned at 3:48 p.m.

_____________________________
Patrice Hildreth,
Clerk of the Board

__________________________
Duane M. Garfield, Sr.,
Board Chairman
ARTICLES OF INCORPORATION
OF THE
PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION

ARTICLE I

The name of this corporation is: Porterville Area Airport Development Corporation.

ARTICLE II

A. This corporation is a nonprofit Public Benefit Corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes.

B. The specific purposes for which this corporation is organized include the following: to assist the City of Porterville (the "City"), and the Tule River Indian Tribe (the "Tribe") and potentially other public agencies with which the City and Tribe are engaged with, in connection with the financing, acquiring, studying, planning, leasing, constructing, developing and/or improving of land, equipment, facilities, public works projects or any other public improvements for the use, benefit and enjoyment of the members of the public served by City, the Tribe and such agencies, any other public purpose incidental thereto, the administering of funds for these objectives, and to create economies and efficiencies of purpose.

ARTICLE III

The name and address in the State of California of this corporation's initial agent for service of process is:

Julia M. Lew
McCormick, Kabot, Jenner & Lew
1220 West Main Street
Visalia, CA 93291
ARTICLE IV

A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3), Internal Revenue Code.

B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

ARTICLE V

The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, organization, corporation, or governmental entity which is organized and operated exclusively for charitable or public purposes and which has established its tax exempt status.

IN WITNESS WHEREOF, for the purposes of forming the corporation under the laws of the State of California, the undersigned has executed these Articles of Incorporation this ____ day of __________________, 2008.

____________________, Incorporator

____________________, Incorporator

____________________, Incorporator

____________________, Incorporator
BYLAWS
of the
PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION

ARTICLE I

Name, Organization and Purpose, Principal Office

Section 1.1. Name. The name of this corporation is PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION (hereinafter referred to as the "Corporation").

Section 1.2. Organization, Purpose and Use of Funds. The Corporation is a nonprofit public benefit corporation organized under the Nonprofit Public Benefit Corporation Law of the State of California (the "Law") exclusively for the promotion of charitable purposes within the meaning of 501(c)(3) of the Internal Revenue Code (the "Code") and to assist the City of Porterville (the "City") and the Tule River Indian Tribe (the "Tribe"), and other public agencies in the State of California of which the City is a member or is otherwise engaged with, in connection with the financing, acquiring, studying, planning, leasing, constructing, developing and/or improving of land, equipment, facilities, public works projects or any other public improvement for the use, benefit and enjoyment of the members of the public served by City, Tribe and such agencies, any other public purpose incidental thereto, the administering of funds for these objectives, and to create economies and efficiencies of purpose. The activities of the Corporation shall be limited to the activities described in its Articles of Incorporation. No gains, profits or dividends shall be distributed to any of the Directors or officers of the Corporation; and no part of the net earnings, funds or assets of the Corporation shall inure to the benefit of any Director or any other person, firm or corporation excepting only the as described herein.

Section 1.3. Principal Office. The principal office of the Corporation is hereby fixed and located at 2780 West Yowlumne Avenue, Suite 2, Porterville, California 93257. The Board of Directors is hereby granted full power and authority to change said principal office from one location to another. Any such change shall be noted by the Secretary opposite this section, but shall not be considered an amendment to these Bylaws.
ARTICLE II

No Members

Section 2.1. No Members. Pursuant to Section 5310 of the Law, the bylaws of a nonprofit corporation may provide that the corporation shall have no members. This Corporation shall have no members.

ARTICLE III

Directors

Section 3.1. Powers. Subject to limitation of the Articles of Incorporation, the Bylaws, and the Law, and subject to the duties of Directors as prescribed by the Bylaws, all powers of the Corporation shall be exercised by or under the authority of, and the business and affairs of the Corporation shall be controlled by, the Board of Directors. No Director shall be responsible for any error in judgment or for anything that such Director may do or refrain from doing in good faith. Without prejudice to such general powers, but subject to the same limitations, it is hereby expressly declared that the Directors shall have the following powers, to wit:

1. To select and remove all appointed officers, agents and employees of the Corporation, prescribe such powers and duties for such officers, agents and employees as may not be inconsistent with law or the Articles of Incorporation or Bylaws, fix their compensation and require from such officers, agents and employees security for faithful service;

2. To conduct, manage and control the affairs and business of the Corporation and to make such rules and regulations therefor not inconsistent with law, the Articles of Incorporation or Bylaws, as the Directors may deem best; and

3. To borrow money and incur indebtedness for the purposes of the Corporation, and to cause to be executed and delivered therefor, in the name of the Corporation or otherwise, promissory notes, bonds, certificates of participation, debentures, deeds of trust, mortgages, pledges, hypothecation or other evidences of debt and securities therefor.

Section 3.2. Number of Directors. The authorized number of Directors shall be five until changed by amendment of the Articles of Incorporation or by amendment of the Bylaws.
Section 3.3. Selection and Term of Office. The initial Directors of the Corporation shall include four (4) incorporators, two (2) of whom are designated by the Porterville City Council and whom are current Porterville City Council Members (hereinafter referred to as “City - Appointed Directors”) and two (2) of whom are designated by the Tule River Tribal Council and are current or prior Tule River Tribal Council Members (hereinafter referred to as “Tribe – Appointed Directors”). The four initial directors shall appoint, by unanimous vote of those present, one additional director, who shall be a resident of Tulare County (hereinafter referred to as the “Board - Appointed Director”). This director may be the same individual appointed to the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association by the four members of that organization. Except as hereinafter provided and in accordance with Section 5220(d) of the law, each City and Tribe Appointed Director shall hold office until removed by its respective legislative body. The Board-Appointed Director shall hold office for a term of one year, but said term may run consistent and in conjunction with his/her term as a member of the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association.

Section 3.4. Vacancies. Subject to the provisions of Section 5224 of the Law, any Director may resign effective upon giving written notice to the President or the Secretary, unless the notice specifies a later time for the effectiveness of such resignation. No such resignation shall be effective, however, unless and until such Director shall have resigned from the Board of Directors of the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association.

A vacancy or vacancies on the Board of Directors shall be deemed to exist upon the expiration of a Director’s term, if the authorized number of Directors comprising the Board of Directors of the District is increased, or upon the events specified in Government Code § 1770 including but not limited to the death, or resignation, on the Board of Directors of the District.

City-Appointed Director vacancies on the Board of Directors shall be filled by the Porterville City Council. Tribal-Appointed vacancies on the Board of Directors shall be filled by the Tule River Tribal Council. A Board-Appointed vacancy on the Board of Directors shall be filled by the four other (City and Tribal-Appointed) Directors, by a unanimous vote of the Directors present.

Section 3.5. Organization and Annual/Quarterly Meetings. The Board of Directors shall hold at least one annual meeting for the purpose of organization and the transaction of business of the corporation. The Board of Directors shall appoint, from its own body, a President, Vice-President, Secretary, and Treasurer, and these officers shall serve as
specified in Article IV. Subject to Section 3.11 hereof, quarterly meetings of the Board of Directors shall be held on the first ___________ in the month of ________________, but in no case held later than June 1 of each year.

Section 3.6. Regular Meetings. The Board of Directors by resolution may provide for the holding of regular meetings and may fix the time and place of holding such meetings.

Section 3.7. Special Meetings; Notice Waiver. A special meeting of the Board of Directors shall be held whenever called in accordance with the Ralph M. Brown Act, commencing at Section 54950 of the Government Code of the State of California and Section 5211(a)(2) of the Law and Section 3.11 hereof.

Section 3.8. Adjourned Meetings; Notice of Adjournment. The Board of Directors may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a majority may so adjourn from time to time. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this Section 3.8, the resulting adjourned regular meeting is a regular meeting for all purposes.

Section 3.9. Majority. A majority, or at least three (3), of the total number of Board of Directors (5) shall constitute a quorum for the transaction of any business. An affirmative vote of a majority, or at least three (3), of the total number of Board of Directors is required for every act or decision of the Board of Directors.

Section 3.10. Fees and Compensation. Directors shall receive no compensation or expenses from the Corporation for services as Directors of the Corporation.

Section 3.11. Ralph M. Brown Act. Notwithstanding any of the provisions of these Bylaws to the contrary, all meetings of the Board of Directors shall be subject to the Ralph M. Brown Act, commencing at Section 54950 of the Government Code of the State of California.

Section 3.12. Conduct of Meetings. The President or, in the absence of the President, the Vice President, or, in the absence of the Vice President, a Chairman chosen by a majority of the Directors present, shall preside at meetings of the Board of Directors.
ARTICLE IV

Officers

Section 4.1. Officers. The officers of the Corporation shall include a President, a Vice President, a Secretary and a Treasurer, all of whom shall be appointed from the Board of Directors. The Corporation may also have, at the discretion of the Board of Directors, one or more additional Assistant Secretaries, one or more Assistant Treasurers, and such other officers as may be appointed by the Board of Directors and are not members of the Board of Directors. One person may hold two or more offices, except that the offices of President and Secretary or President and Treasurer may not be combined.

Section 4.2. President. The person serving from time-to-time as the President of the Board of Directors of the Corporation shall serve as the President of the Corporation. The President shall preside at all meetings of the Board of Directors.

Section 4.3. Vice-President. The person serving from time-to-time as Vice President of the Board of Directors shall serve as Vice-President of the Corporation. The Vice-President shall preside at meetings of the Board of Directors in the event that the President is unable to do so.

Section 4.4. Secretary. The person serving from time-to-time as Secretary of the Board of Directors shall serve as Secretary of the Corporation. The Secretary shall keep at the principal office of the Corporation a book of minutes of all meetings of Directors, with the time and place of holding, how called or authorized, the notice thereof given, and the names of those present at Directors' meetings.

Section 4.5. Treasurer. The person serving from time-to-time as the Treasurer of the Board of Directors shall serve as Treasurer of the Corporation. The Treasurer shall keep and maintain adequate and correct books of account showing the receipts and disbursements of the Corporation, and an account of its cash and other assets, if any. Such books of account shall at all reasonable times be open to inspection by any Director.

The Treasurer shall deposit all moneys of the Corporation with such depositories as are designated by the Board of Directors, and shall disburse the funds of the Corporation as may be ordered by the Board of Directors, and shall render to the President or the Board of Directors, upon request, statements of the financial condition of the Corporation.
Section 4.6. Subordinate Officers. Subordinate officers shall perform such duties as shall be prescribed from time to time by the Board of Directors.

Section 4.7. Term of Office. The term of office of the President and Vice-President of the Corporation shall coincide with the term of office of the President and Vice-President of the Board of Directors of the Corporation. The term of office of the Secretary and Treasurer of the Corporation, respectively, shall coincide with the term of office of the Secretary and Treasurer of the Board of Directors respectively.

ARTICLE V

Miscellaneous

Section 5.1. Execution of Documents. The Board of Directors may authorize any officer or officers as agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of the Corporation and such authority may be general or confined to specific instances; and unless so authorized by the Board of Directors, no officer, agent or other person shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable for any purpose or to any amount. Said authority shall be granted by Resolution or Minute Order and shall appear in the minutes.

Section 5.2. Inspection of Bylaws. The Corporation shall keep in its principal office the original or a copy of these Bylaws, as amended or otherwise altered to date, certified by the Secretary, which shall be open to inspection by members of the public and the Directors at all reasonable times during office hours.

Section 5.3. Annual Report. The Corporation, having no members, hereby expressly dispenses with the annual report referred to in Section 6321 of the Law.

Section 5.4. Fiscal Year. The fiscal year of the Corporation shall begin July 1 of each year and end on the last day of June of the succeeding year, except the first fiscal year which shall run from the date of incorporation to June 30, 2009.
Section 5.5. **Dissolution.** In the event of dissolution of the Corporation in any manner and for any cause, after the payment or adequate provision for the payment of all of its debts and liabilities, all of the remaining funds, assets and properties of the Corporation shall be paid or distributed to a nonprofit fund, foundation, organization or corporation which is organized and operated exclusively for charitable or public purposes and which has established its tax exempt status.

Section 5.6. **Construction and Definitions.** Unless the context otherwise requires, the general provisions, rules of construction and definitions contained in the Law shall govern the construction of these Bylaws. If any section, subsection, sentence, clause or phrase of these Bylaws, or the application thereof, is contrary to the Law, the provisions of the Law shall prevail. Without limiting the generality of the foregoing the masculine gender includes the feminine and neuter, the singular number includes the plural and the plural number includes the singular, and the term “person” includes a corporation as well as a natural person.

**ARTICLE VI**

**Amendments**

Section 6.1. **Power of Directors.** New Bylaws may be adopted or these Bylaws may be amended or repealed by an affirmative vote of a **four-fifths** majority of the total number of the Board of Directors. The Bylaws shall be amended to remain consistent with any organizational changes to the Porterville Airport Area Development Association, and/or Authority if and when a valid Joint Powers Agreement is executed. No amendment to these Bylaws shall be effective until approved by an affirmative **four-fifths** majority vote of the Board of Directors as provided in these Bylaws.
CERTIFICATE OF SECRETARY
OF
PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION

I hereby certify that I am the duly elected and acting Secretary of said corporation and that the foregoing Bylaws, comprising 8 pages, constitute the Bylaws of said corporation as duly adopted at a meeting of the Board of Directors thereof held on ________________, 2008.

__________________________
, Secretary
CURRENT BILL STATUS

MEASURE : A.B. No. 1884
AUTHOR(S) : Maze (Coauthors: Coto and Parra).
TOPIC : Joint powers agreement: Tule River Tribal Council.
HOUSE LOCATION : ASM
+LAST AMENDED DATE : 06/04/2008

TYPE OF BILL :
Active
Non-Urgency
Non-Appropriations
Majority Vote Required
Non-State-Mandated Local Program
Non-Fiscal
Non-Tax Levy

LAST HIST. ACT. DATE: 07/14/2008
LAST HIST. ACTION : In Assembly. Concurrence in Senate amendments pending.
May be considered on or after July 16 pursuant to Assembly Rule 77.
FILE : ASM CONCURRENCE
FILE DATE : 07/15/2008
ITEM : 85

COMM. LOCATION : SEN LOCAL GOVERNMENT
COMM. ACTION DATE : 06/18/2008
COMM. ACTION : Do pass.
COMM. VOTE SUMMARY : Ayes: 05  Noes: 00  PASS

TITLE : An act to add and repeal Section 6529.5 of the Government Code, relating to joint powers agreements.
An act to add and repeal Section 6529.5 of the Government Code, relating to joint powers agreements.

LEGISLATIVE COUNSEL'S DIGEST

AB 1884, as amended, Maze. Joint powers agreement: Tule River Tribal Council.

Existing law authorizes 2 or more public agencies, by agreement, to jointly exercise common powers. Existing law defines public agencies for this purpose.

This bill would provide that the Tule River Tribal Council, as the governing body of the Tule River Indian Reservation of California, a federally recognized Indian tribe, may enter into a joint powers agreement with the City of Porterville, or the City of Porterville and the County of Tulare, for the sole purpose of developing particular property in the vicinity of the Porterville Airport. The bill would deem the Tule River Tribal Council a public agency for purposes of the law relating to joint powers agencies and would designate the joint powers authority the bill would create as the Porterville Airport Area
Development Authority. The bill would specify the membership of the authority's 5-member board and require that all actions taken by the authority be by an affirmative vote of 4 members of the board. The bill would prohibit the joint powers authority created pursuant to the bill from authorizing or issuing bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985, unless the funded public improvements will be owned and maintained by the authority or one or more public agency members, and the revenue streams pledged to repay the bonds derive from the authority or one or more of its public agency members. The bill would repeal its provisions on January 1, 2039.

This bill would state the findings and declarations of the Legislature concerning the need for special legislation.


The people of the State of California do enact as follows:

1. SECTION 1. Section 6529.5 is added to the Government Code, to read:

2. 6529.5. (a) The Tule River Tribal Council, as the governing body of the Tule River Indian Reservation of California, a federally recognized Indian tribe, may enter into a joint powers agreement with the City of Porterville, or the City of Porterville and the County of Tulare, with the City of Porterville for the sole purpose of developing approximately 1,200 acres of land in the vicinity of the Porterville Airport. The Tule River Tribal Council shall be deemed to be a public agency for purposes of this chapter.

(b) (1) The joint powers authority created pursuant to subdivision (a) shall be known as the Porterville Airport Area Development Authority.

(2) If the authority includes the Tule River Tribal Council and the City of Porterville, the

(2) The board of directors of the joint powers agency shall consist of two members appointed by the city council of the City of Porterville, two members appointed by the Tule River Tribal Council, and one member appointed by the other four members.

(3) If the authority includes the Tule River Tribal Council, the City of Porterville, and the County of Tulare, the board of directors of the joint powers agency shall consist of two members appointed by the city council of the City of Porterville, two members
appointed by the Tule River Tribal Council, and one member
appointed by the Tulare County Board of Supervisors.

(4) All actions taken by the Porterville Airport Area
Development Authority shall require an affirmative vote of four
members of the board.

(c) The joint powers authority created pursuant to subdivision
(a) shall not have the power to authorize or issue bonds pursuant
to the Marks-Roos Local Bond Pooling Act of 1985 (Article 4
(commencing with Section 6584)), unless the public improvements
to be funded by the bonds will be owned and maintained by the
authority or one or more of its public agency members, and the
revenue streams pledged to repay the bonds derive from the
authority or one or more of its public agency members.

(d) Nothing in this section shall be construed as extending the
power of eminent domain to the Tule River Tribal Council.

(e) This section shall remain in effect only until January 1, 2039,
and as of that date is repealed, unless a later enacted statute, that
is enacted before January 1, 2039, deletes or extends that date.

SEC. 2. The Legislature finds and declares that, because of the
unique circumstances applicable only to the County of Tulare City
of Porterville and the Tule River Tribal Council, a statute of general
applicability cannot be enacted within the meaning of subdivision
(b) of Section 16 of Article IV of the California Constitution.
Therefore, this special statute is necessary.
Introduced by Assembly Member Maze
(Coauthors: Assembly Members Coto and Parra)

February 7, 2008

An act to add and repeal Section 6529.5 of the Government Code, relating to joint powers agreements.

LEGISLATIVE COUNSEL'S DIGEST

AB 1884, as amended, Maze. Joint powers agreement: Tule River Tribal Council.

Existing law authorizes 2 or more public agencies, by agreement, to jointly exercise common powers. Existing law defines public agencies for this purpose.

This bill would provide that the Tule River Tribal Council, as the governing body of the Tule River Indian Reservation of California, a federally recognized Indian tribe, may enter into a joint powers agreement with the City of Porterville, or the City of Porterville and the County of Tulare, for the sole purpose of developing particular property in the vicinity of the Porterville Airport. The bill would deem the Tule River Tribal Council a public agency for purposes of the law relating to joint powers agencies and would designate the joint powers authority the bill would create as the Porterville Airport Area
Development Authority. The bill would specify the membership of the authority's 5-member board and require that all actions taken by the authority be by an affirmative vote of 4 members of the board. The bill would prohibit the joint powers authority created pursuant to the bill from authorizing or issuing bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985, unless the funded public improvements will be owned and maintained by the authority or one or more public agency members, and the revenue streams pledged to repay the bonds derive from the authority or one or more of its public agency members. The bill would repeal its provisions on January 1, 2039.

This bill would state the findings and declarations of the Legislature concerning the need for special legislation.


The people of the State of California do enact as follows:

SECTION 1. Section 6529.5 is added to the Government Code, to read:

6529.5. (a) The Tule River Tribal Council, as the governing body of the Tule River Indian Reservation of California, a federally recognized Indian tribe, may enter into a joint powers agreement with the City of Porterville, or the City of Porterville and the County of Tulare, with the City of Porterville for the sole purpose of developing approximately 1,200 acres of land in the vicinity of the Porterville Airport. The Tule River Tribal Council shall be deemed to be a public agency for purposes of this chapter.

(b) (1) The joint powers authority created pursuant to subdivision (a) shall be known as the Porterville Airport Area Development Authority.

(2) If the authority includes the Tule River Tribal Council and the City of Porterville, the

(2) The board of directors of the joint powers agency shall consist of two members appointed by the city council of the City of Porterville, two members appointed by the Tule River Tribal Council, and one member appointed by the other four members.

(3) If the authority includes the Tule River Tribal Council, the City of Porterville, and the County of Tulare, the board of directors of the joint powers agency shall consist of two members appointed by the city council of the City of Porterville, two members...
appointed by the Tule River Tribal Council, and one member appointed by the Tulare County Board of Supervisors:

(4) All actions taken by the Porterville Airport Area Development Authority shall require an affirmative vote of four members of the board.

(c) The joint powers authority created pursuant to subdivision (a) shall not have the power to authorize or issue bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584)), unless the public improvements to be funded by the bonds will be owned and maintained by the authority or one or more of its public agency members, and the revenue streams pledged to repay the bonds derive from the authority or one or more of its public agency members.

(d) Nothing in this section shall be construed as extending the power of eminent domain to the Tule River Tribal Council.

(e) This section shall remain in effect only until January 1, 2039, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2039, deletes or extends that date.

SEC. 2. The Legislature finds and declares that, because of the unique circumstances applicable only to the Tulare County, City of Porterville and the Tule River Tribal Council, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.