

RESOLUTION NO. 89-32

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SANTA ANA APPROVING AMENDMENT NO. 1
TO THE FIRST AMENDED AND RESTATED JOINT EXERCISE
OF POWERS AGREEMENT CREATING THE SAN JOAQUIN HILLS
TRANSPORTATION CORRIDOR AGENCY

WHEREAS, the County of Orange and the Cities of Costa Mesa, Irvine, Mission Viejo, Newport Beach, San Clemente, San Juan Capistrano and Santa Ana have executed the First Amended and Restated Joint Exercise of Powers Agreement Creating the San Joaquin Hills Transportation Corridor Agency (the "Agreement" and the "Agency"), which Agreement became effective on October 17, 1988; and

WHEREAS, the incorporation of the City of Dana Point (the "City") became effective on January 1, 1989; and

WHEREAS, the City has adopted Ordinance No. 89-8, adopting the Major Thoroughfare and Bridge Fee Program in accordance with Section 4.1 of the Agreement; and

WHEREAS, the City also has adopted Resolution No. 89-31, establishing the Areas of Benefit and fees for such Major Thoroughfare and Bridge Fee Program in accordance with Section 4.1 of the Agreement; and

WHEREAS, the City has requested admission as a party to the Agency; and

WHEREAS, Section 9.1 of the Agreement provides that the unanimous consent of each existing party to the Agency is required for admission of the City as a Party.

NOW, THEREFORE, the City of Santa Ana hereby agrees to admit the City as a Party to the Agency, and authorizes its Mayor to sign and Clerk to attest Amendment No. 1 to the First Amended and Restated Joint Exercise of Powers Agreement Creating the San Joaquin Hills Transportation Corridor Agency, attached hereto as Exhibit A.

PASSED, APPROVED AND ADOPTED this 3rd day
of April, 1989.

ATTEST:

Clerk of the
City of Santa Ana

By: *[Signature]*
Dated April 3, 1989

CITY OF SANTA ANA

By: *[Signature]*
Daniel H. Young, Mayor

APPROVED AS TO FORM:

By: *[Signature]*
City Attorney

COUNCILMEMBERS:

YOUNG	<u>Aye</u>
ACOSTA	<u>Aye</u>
GRISET	<u>Absent</u>
MAY	<u>Aye</u>
McGUIGAN	<u>Aye</u>
PULIDO	<u>Absent</u>

**AMENDMENT NO. 1
TO THE
FIRST AMENDED AND RESTATED
JOINT EXERCISE OF POWERS AGREEMENT
CREATING THE SAN JOAQUIN HILLS
TRANSPORTATION CORRIDOR AGENCY**

SECTION 1. The Board of the San Joaquin Hills Transportation Corridor Agency imposed no terms and conditions upon the participation of the City of Dana Point as a Party to the Agency pursuant to Section 9.1 of the First Amended and Restated Joint Powers Agreement Creating the San Joaquin Hills Transportation Corridor Agency, in addition to enactment of the ordinance adopting the Major Thoroughfare and Bridge Fee Program of such Agency and the resolution establishing the Areas of Benefit, estimated costs and required fees.

SECTION 2. The first paragraph of such Agreement hereby is amended to read as follows:

THIS FIRST AMENDED AND RESTATED AGREEMENT was made and entered into, pursuant to Sections 11.1 and 11.3 by and among the following public agencies, other than the City of Dana Point, as of the 17th day of October, 1988, the first date on which six or more of such public agencies executed this First Amended and Restated Joint Exercise of Powers Agreement Creating the San Joaquin Hills Transportation Corridor Agency, and is amended by this Amendment No. 1. to such Agreement, pursuant to Section 9.1, by and among all of the following public agencies as of the ___ day of _____, 1989, the date on which the last of such public agencies executed this Amendment No. 1 to such Agreement:

- (a) County of Orange
- (b) City of Costa Mesa
- (c) City of Dana Point
- (d) City of Irvine
- (e) City of Mission Viejo
- (f) City of Newport Beach
- (g) City of San Clemente
- (h) City of San Juan Capistrano
- (i) City of Santa Ana

SECTION 3. Section 3.2 hereby is amended to read as follows:

... 3.2 BOARD.

a. The Board shall consist of the following:

(i) One voting Board Member appointed by the legislative body of each of the following Parties, pursuant to Section 3.1 above; the Cities of Costa Mesa, Dana Point, Irvine, Newport Beach, San Clemente, San Juan Capistrano, Mission Viejo and Santa Ana.

ATTEST:

COUNTY OF ORANGE

Clerk of the Board of Supervisors

**By: _____
Chairman
Board of Supervisors**

By: _____

Dated _____

APPROVED AS TO FORM:

**By: _____
County Counsel**

ATTEST:

CITY OF DANA POINT

Clerk of the City of Dana Point

**By: _____
Mayor**

By: _____

Dated _____

APPROVED AS TO FORM:

**By: _____
City Attorney**

ATTEST:

**Clerk of the
City of Irvine**

By: _____

Dated _____

APPROVED AS TO FORM:

By: _____
City Attorney

CITY OF IRVINE

By: _____
Mayor

ATTEST:

**Clerk of the
City of Mission Viejo**

By: _____

Dated _____

APPROVED AS TO FORM:

By: _____
City Attorney

CITY OF MISSION VIEJO

By: _____
Mayor

ATTEST:

**Clerk of the
City of San Clemente**

By: _____

Dated _____

APPROVED AS TO FORM:

By: _____
City Attorney

CITY OF SAN CLEMENTE

By: _____
Mayor

ATTEST:

Clerk of the
City of San Juan Capistrano

By: _____

Dated _____

APPROVED AS TO FORM:

By: _____
City Attorney

CITY OF SAN JUAN CAPISTRANO

By: _____
Mayor

ATTEST:

Clerk of the
City of Santa Ana

By: *Janice C. Guy*
Janice C. Guy, Clerk of the Council

Dated April 3, 1989

APPROVED AS TO FORM:

By: *[Signature]*
City Attorney

CITY OF SANTA ANA

By: *[Signature]*
Mayor, Daniel H. Young