

NOTICE OF SPECIAL MEETING

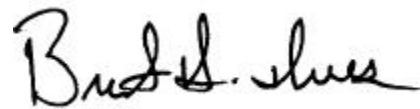
Pursuant to Section 54956 of the Government Code of the State of California, a Special meeting of the **Tracy Operating Partnership Joint Powers Authority** is hereby called for:

Date/Time: Tuesday, October 4, 2011, 6:55 p.m.
(or as soon thereafter as possible)

Location: Council Chambers, City Hall
333 Civic Center Plaza, Tracy

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Tracy Operating Partnership Joint Powers Authority on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

1. Call to Order
2. Roll Call
3. Items from the Audience - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Board Member to sponsor the item for discussion at a future meeting.*
4. APPROVAL OF A RESOLUTION OF THE TRACY OPERATING PARTNERSHIP JOINT POWERS AUTHORITY SETTING TIME AND PLACE OF REGULAR MEETINGS
5. Adjournment



Chairperson

Posting Date: September 29, 2011

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6105), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Tracy Operating Partnership Joint Powers Authority regarding any item on this agenda will be made available for public inspection in the City Clerk's office located at 333 Civic Center Plaza, Tracy, during normal business hours.

AGENDA ITEM 4

REQUEST

APPROVAL OF A RESOLUTION OF THE TRACY OPERATING PARTNERSHIP JOINT POWERS AUTHORITY SETTING TIME AND PLACE OF REGULAR MEETINGS

DISCUSSION

The City of Tracy and the City of Tracy Community Development Agency have entered into a Joint Exercise of Powers Agreement, dated as of October 15, 1995, establishing the Tracy Operating Partnership Joint Powers Authority (TOPJPA) for the purpose of issuing its bonds to be used to finance and refinance the acquisition, construction and improvement of certain public capital improvements in the City. Recently Government Code section 6592.1 was enacted to provide that a resolution authorizing bonds or any issuance of bonds adopted by a JPA may only be done during a regular meeting held pursuant to the Brown Act.

The City is anticipating using the TOPJPA to refinance bonds in November 2011. As such, it is important to update the meeting policy of the TOPJPA so that it complies with the new Government Code requirement. The attached resolution will establish the regular meeting time of the Board of Directors of the TOPJPA to correspond to the regular meetings of the City Council, specifically 7:00 pm on the first and third Tuesdays of each month.

Taking this action will allow the Board of Directions to take action on a TOPJPA matter at the same time as a regular City Council meeting without having to call a special meeting of the TOPJPA. Essentially every City Council meeting is also a regular meeting of the TOPJPA. But if there is no business required to be conducted by the Board at any regular meeting such meeting of the TOPJPA is not required to be held. If the Secretary does not post an agenda for a regular meeting pursuant to Government Code Section 54954.2(a), then such failure to post shall be deemed to be a determination by the Chair that no items required discussion and, therefore, that the regular meeting should be cancelled.

FISCAL IMPACT

None

RECOMMENDATION

It is recommended that the Board of Directors of the Tracy Operating Partnership Joint Powers Authority adopt the attached resolution which will establish regular meetings of the Board of Directors of the TOPJPA to correspond to the regular meetings of the Tracy City Council.

Prepared by: Zane Johnston, Controller/Treasurer

Approved by: R. Leon Churchill, Jr., Executive Director

RESOLUTION _____

APPROVING THE TRACY OPERATING PARTNERSHIP JOINT POWERS
AUTHORITY TO SET THE TIME AND PLACE OF REGULAR MEETINGS

WHEREAS, The City of Tracy (the "City") and the City of Tracy Community Development Agency have entered into a Joint Exercise of Powers Agreement, dated as of October 15, 1995, establishing the Tracy Operating Partnership Joint Powers Authority (the "Authority") for the purpose, among others, of issuing its bonds to be used to finance and refinance the acquisition, construction and improvement of certain public capital improvements in the City, and

WHEREAS, The Authority is considering assisting the City in refinancing outstanding bonds of the City, and

WHEREAS, 6592.1 of the Government Code has recently been enacted and provides that a resolution authorizing bonds or any issuance of bonds shall be adopted by a joint exercise of powers authority only during a regular meeting held pursuant to the Ralph M. Brown Act, and

WHEREAS, Section 4(C) of the Joint Exercise of Powers Agreement pursuant to which the Authority has been established provides that (i) the Board of Directors of the Authority (the "Board") shall hold a regular meeting in each year, (ii) by resolution, the Board may provide for the holding of regular meetings at more regular intervals (provided that if the Chair of the Authority determines that there will be no business to transact at such meeting, such meeting may be canceled) and (iii) the date, hour and place at which each such regular meeting shall be held shall be fixed by resolution of the Board, and

WHEREAS, In order to comply with Section 6592.1 of the Government Code, the Board wishes to establish periodic regular meetings which correspond to regular meetings of the City Council of the City;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF THE TRACY OPERATING PARTNERSHIP JOINT POWERS AUTHORITY, as follows:

Section 1. Time and Place of Regular Meetings. Regular meetings of the Board shall be held at 7:00 pm on the first and third Tuesdays of each month. Regular meetings shall be held in the in the City Council Chambers, City Hall, 333 Civic Center Plaza.

Section 2. Circumstances Under Which Meetings Not Required to be Held. In the event the Chair of the Authority determines that there is no business required to be conducted by the Board at any regular meeting which is established under Section 1, such meeting is not required to be held. If the Secretary does not post an agenda for a regular meeting pursuant to Government Code Section 54954.2(a), then such failure to post shall be deemed to be a determination by the Chair that no items required discussion and, therefore, that the regular meeting should be cancelled, except as otherwise provided in Section 54954.2(b).

Section 3. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

* * * * *

Resolution _____

Page 2

I hereby certify that the foregoing Resolution _____ was regularly introduced and adopted by the Board of Directors of the Tracy Operating Partnership Joint Powers Authority at a meeting held on the ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair