

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE
November 2, 1988

SUBJECT: APPROVE AND RATIFY AMENDMENTS TO THE JOINT POWERS AGREEMENT CREATING THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY (CJPIA)

PREPARED BY: Assistant City Manager

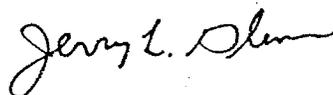
RECOMMENDED ACTION: The City Council approve the attached resolution approving amendments to the California Joint Powers Insurance Authority.

BACKGROUND INFORMATION: The Board of Directors of the CJPIA have approved the submission of the following amendments to the Joint Powers agreement to the member entities. An affirmative vote of 70% of the member entities is required to approve the amendments.

The amendments are intended to clarify and strengthen two specific parts of the JPA agreement. The first requires participation in the Auto and General Liability programs be a prerequisite to continued membership. The second requires two-year commitments of the members to the organization and to the pooled coverage layers.

The second change does have some opposition and probably will not be ratified by 90% of the members. I, nevertheless, recommend the Council approve the change as a statement of support, commitment, and need for organizational stability.

Respectfully submitted,



Jerry L. Glenn
Assistant City Manager

JLG:br

Attachment

CITY COUNCIL

JAMES W. PINKERTON, Jr., Mayor
JOHN R. (Randy) SNIDER
Mayor Pro Tempore
DAVID M. HINCHMAN
EVELYN M. OLSON
FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
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THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

November 3, 1988

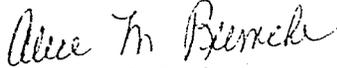
Mr. Frank James
Chairman
California Joint Powers Insurance Authority
P. O. Box 884
Sonoma, CA 95476

Dear Mr. James:

Enclosed herewith please find a certified copy of Resolution No. 88-154 entitled, "Approving and Ratifying Amendment to the Joint Powers Agreement Creating the California Joint Powers Insurance Authority", which was adopted by the Lodi City Council at its regular meeting of November 2, 1988.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Very truly yours,


Alice M. Reimche
City Clerk

AMR:jj

RESOLUTION NO. 88-154

APPROVING AND RATIFYING AMENDMENT TO THE
JOINT POWERS AGREEMENT CREATING THE
CALIFORNIA JOINT POWERS INSURANCE AUTHORITY

WHEREAS, this agency has executed the Joint Powers Agreement creating the California Joint Powers Authority, and is a member thereof; and

WHEREAS, the Board of Directors of California Joint Powers Insurance Authority met and approved a proposal to amend Article IV, XVIII and XIX of the Agreement to read as follows:

ARTICLE IV

PARTIES TO AGREEMENT

Each party of this Agreement certifies that it intends to, and does contract with, all other parties who are signatories of this Agreement and, in addition, with such other parties as may later be added as parties to, and signatories of, this Agreement pursuant to ARTICLE XVIII. Each party to this Agreement also certifies that the deletion of any party from this Agreement, pursuant to ARTICLE XIX or XX, shall not affect this Agreement nor the remaining parties' intent to contract as described above with the other parties to the Agreement then remaining. Each party to this Agreement must, at all times, participate in at least one pooled self-insurance layer of the Auto and General Liability Program as defined in Article XI of the ByLaws.

ARTICLE XVIII

NEW MEMBERS

The Board shall review all new member applications and determine which entities shall be accepted for participation in each layer of each of the Authority's Programs, except when rejected by one third or more of the Member Entities in any layer of any Program in which the prospective member applies to participate.

Entities entering under this Article shall be required to pay their share of organizational expenses as determined by the Board, including those necessary to analyze their loss data and determine their premiums.

ARTICLE XIX

WITHDRAWAL

A. A Member Entity which enters any Pooled Coverage Program or any layer thereof shall not withdraw from that Program or any layer or as a party to this Agreement for a three-year period commencing with its entrance into said Program.

B. At the conclusion of the initial three-year noncancellable commitment to any Pooled Coverage Program or any layer(s) of a Pooled Coverage Program, a Member Entity shall continue to participate with successive two-year noncancellable commitments until such time as withdrawal, pursuant to Section C, is effected.

C. After the initial three-year noncancellable commitment to any layer(s) of a Pooled Coverage Program a Member Entity may withdraw from said layer(s) only at the end of said Pooled Coverage Program's Program Year, provided it has given the Authority a six-month written notice of its intent to withdraw from said layer(s), and further provided that the proposed withdrawal date coincides with the end of the Member Entity's current noncancellable commitment. A Member Entity may withdraw from a Pooled Coverage Program only upon its withdrawal from all layers of such Pooled Coverage Program.

D. Any Member Entity which withdraws as a participant of any Program pursuant to Section C. of this ARTICLE shall not be reconsidered for three years from the Member Entity's withdrawal.

E. Notwithstanding any provision herein to the contrary no Member may withdraw from the Liability program entirely and remain a Member of the Authority.

WHEREAS, this agency is in accord with the amendments, finds them to be compatible with the general purposes of the entire agreement, and finds that they should be adopted;

NOW THEREFORE BE IT RESOLVED that this agency hereby approves and ratifies the action taken by other members to make such amendments effective, hereby adopts such amendments, and authorizes execution on behalf of this agency of any further instrument constituting an amendment of the agreement, or the entire agreement as amended, or other appropriate form of instrument tendered for signature and filing to make effective the provisions of Articles IV, XVIII and XIX of the Joint Powers Agreement in the form approved above.

Dated:

I hereby certify that Resolution No. 88-154 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 1988 by the following vote:

Ayes: Council Members - Hinchman, Olson, Snider and Pinkerton (Mayor)
Noes: Council Members - None
Absent: Council Members - Reid


Alice M. Reimche
City Clerk