



County of Sonoma

State of California

Date: August 9, 2022

Item Number: _____

Resolution Number: _____

☐ 4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
approving a joint resolution of the Boards of Supervisors of Mendocino County and Sonoma
County amending the Joint Powers Agreement (JPA) between Sonoma and Mendocino
Counties for the Sonoma Mendocino Economic Development District**

Whereas, the Sonoma Mendocino Economic Development District ("the District") is a separate public entity created in July 2015 by a Joint Powers Agreement ("JPA") between Sonoma and Mendocino Counties, pursuant to the Joint Exercise of Powers Act (Government Code section 6500 et seq.); and

Whereas, the JPA creating the District initially designated the County of Sonoma as financial agent for the District, pursuant to Government Code section 6505.5; and

Whereas, Government Code section 6505.6 specifically authorizes the District Board of Directors to appoint one of its officers or employees as treasurer and auditor in lieu of the designation process set forth in Government Code section 6505.5; and

Whereas, the District Board of Directors can determine it is in the best interests of the District and the regional stakeholders the District serves for the District to exercise its authority pursuant to Government Code section 6505.6 to serve as its own financial agent and provide its own financial services, including, but not limited to, appointing a District Treasurer and a District Auditor, opening District bank accounts, and other related steps necessary to comply with the duties and responsibilities set forth in Government Code section 6505.5; and

Whereas, pursuant to paragraph 16 of the JPA, the Boards of Supervisors of Sonoma and Mendocino Counties jointly desire and intend to amend the JPA to expressly authorize the District to exercise its authority under Government Code section 6505.6.

Now, Therefore, Be It Resolved, by the Boards of Supervisors of Sonoma and Mendocino Counties that the Joint Powers Agreement creating the Sonoma Mendocino Economic Development District is amended as follows

1. Existing paragraph 9 of the JPA dated July 2015 designating the County of Sonoma as fiscal agent for the District is deleted in its entirety.
2. The following replacement language for a new paragraph 9 is added to the amended JPA:

“9. Custody of Funds – Reporting – Financial Agent: Government Code section 6505.6 specifically authorizes the District Board of Directors to appoint one of its officers or employees as treasurer and auditor in lieu of the designation process set forth in Government Code section 6505.5. In accordance with Government Code section 6505.6, the District Board of Directors may adopt a District Resolution that makes these appointments and directing that all revenues and funds received by the District, or which have been received or held on the District’s behalf, shall be placed in an operating account designated by the District Board of Directors. A treasurer or auditor appointed under this section shall perform all duties in accordance with applicable law, including but not limited to Government Code sections 6505 and 6505.5. The District shall be responsible for any such appointee performing these legal duties and completing audits in accordance with local, state and federal reporting and accounting requirements.

a. All payments of public funds shall be paid to and disbursed by the District which shall be strictly accountable for all funds and responsible for reporting to the members hereof concerning all receipts and disbursements.

b. The District and District Directors shall comply with all Federal and State financial assistance reporting requirements and conflict of interest provisions as set forth in 13 CFR III.”

3. Except to the extent specifically amended herein, the provisions of the JPA shall continue to be in full force and effect as originally executed, and nothing contained herein shall, or shall be construed to modify, invalidate or otherwise affect any provision of the JPA or any right of the members thereof.

Supervisors:

Gorin:

Rabbitt:

Coursey:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.