

COPY

SACRAMENTO – PLACERVILLE TRANSPORTATION CORRIDOR
JOINT POWERS AUTHORITY

SECOND AMENDMENT TO
RECIPROCAL USE AND FUNDING AGREEMENT
(Placerville Branch)

THIS SECOND AMENDMENT TO RECIPROCAL USE AND FUNDING AGREEMENT (the “SECOND AMENDMENT”) is made effective as of the 22nd day of February, 1999, by and among the COUNTY OF EL DORADO, a political subdivision of the State of California (“El Dorado”), the COUNTY OF SACRAMENTO, a political subdivision of the State of California (“Sacramento”), the CITY OF FOLSOM, a municipal corporation organized and existing under the laws of the State of California (Folsom”), the SACRAMENTO REGIONAL TRANSIT DISTRICT, a public corporation (“RT”), and the SACRAMENTO – PLACERVILLE TRANSPORTATION CORRIDOR JOINT POWERS AUTHORITY, a California joint powers agency (“SPTC-JPA”).

Recitals

A. WHEREAS, effective August 31, 1996, the parties hereto entered into that certain Reciprocal Use and Financing Agreement and amended it effective September 6, 1996 (as amended, the “AGREEMENT”); and

B. WHEREAS, effective August 31, 1998, RT and FOLSOM entered into that certain agreement of “First Amendment to Reciprocal Use and Funding Agreement” (the “1998 AMENDMENT”) which extended the time for payment of FOLSOM’S FINAL CONTRIBUTION under Section 9 (d)(vi) of the AGREEMENT; and

C. WHEREAS, the parties now desire that this SECOND AMENDMENT shall supersede and replace the 1998 AMENDMENT between RT and FOLSOM.

Amendment

NOW THEREFORE, the parties hereto agree as follows:

1. Except as otherwise defined herein, all capitalized terms shall have the meaning ascribed to them in the AGREEMENT.

2. Section 9(d)(vi) of the AGREEMENT is hereby amended to read as follows:

“(vi) On or before March 1, 1999, FOLSOM shall either (A) require reimbursement from RT for FOLSOM’S INITIAL

CONTRIBUTION, as referenced in Section 2, above, and FOLSOM shall have no further rights to the RAIL CORRIDOR nor any obligations under the TCI grant; or (B) pay to RT FOLSOM'S FINAL CONTRIBUTION, less those TCI grant funds paid on behalf of FOLSOM, as referenced in Section 2, above."

3. Section 16 of the AGREEMENT is hereby amended to read as follows:

"16. Integration, Amendment and Waiver. This AGREEMENT is the entire AGREEMENT, and supersedes all prior and contemporaneous agreements, representations and understandings, of the parties concerning the subject matter hereof. No supplement, modification or amendment of the AGREEMENT shall be binding unless executed in writing by all of the parties. Notwithstanding the foregoing, (a) RT and FOLSOM may extend the time for repayment of FOLSOM'S FINAL CONTRIBUTION by letter agreement executed by the RT General Manager and FOLSOM City Manager; and (b) RT and FOLSOM may otherwise modify (i) their respective rights and obligations under Section 9(d)(vi), and (ii) their respective ALLOCATED PORTIONS under Exhibit A, by a written amendment to the AGREEMENT executed only by RT and FOLSOM. No waiver of any provision of this AGREEMENT shall be deemed, or shall constitute, a waiver of any other provisions, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver."

4. This SECOND AMENDMENT may be executed in any number of counterparts, and by different parties in separate counterparts, each of which, when executed and delivered, shall be deemed to be an original and all of which counterparts taken together shall constitute but one and the same instrument.

5. Except as expressly amended herein, all terms and conditions of the AGREEMENT shall remain in full force and effect.

The following is a copy of a resolution of the Board of Supervisors of the County of Sacramento.

May 25, 1999
May 26, 1999

Gwynne Dawkins

COUNTY OF SACRAMENTO
TRANSPORTATION DIVISION

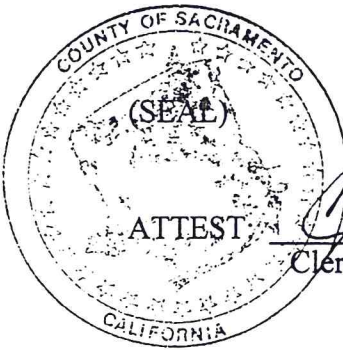
RESOLUTION NO. 99-0660

BE IT RESOLVED AND ORDERED that the Chair of the Board of Supervisors is hereby authorized and directed to approve the Second Amendment to the Reciprocal Use and Funding Agreement for the Sacramento-Placerville Transportation Corridor Joint Powers Authority ("AUTHORITY"), between the AUTHORITY and it's member entities, the Sacramento Regional Transit District ("RT"), the County of Sacramento ("SACRAMENTO"), the County of El Dorado ("EL DORADO"), and the City of Folsom ("FOLSOM"), and to do and perform everything necessary to carry out the purpose of the Resolution.

ON A MOTION by Supervisor Nottoli, seconded by Supervisor Niello, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 25th day of May, 1999, by the following vote, to-wit:

- AYES: Supervisors, Niello, Nottoli, Johnson
- NOES: Supervisors, none
- ABSENT: Supervisors, Collin, Dickinson
- ABSTAIN: Supervisors, none

Muriel P. Johnson
Chair of the Board of Supervisors



Gideon H. Turner
Clerk of the Board of Supervisors

FILED

MAY 25 1999
BOARD OF SUPERVISORS
BY *Gwynne Dawkins*
CLERK OF THE BOARD

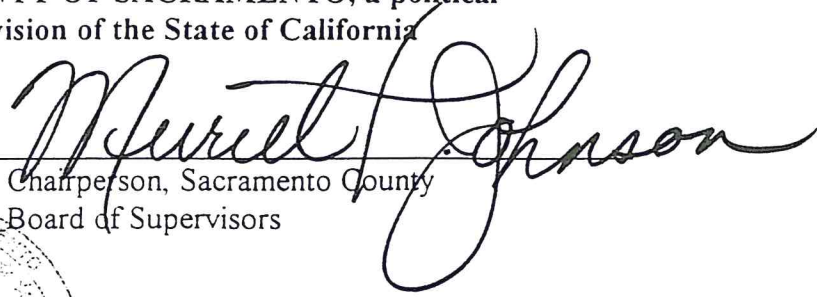
In accordance with Section 25103 of the Government Code of the State of California a copy of this document has been delivered to the Chairman of the Board of Supervisors, County of Sacramento on

MAY 25 1999
By *Gwynne Dawkins*
Deputy Clerk, Board of Supervisors 99-0926 D 3 of 9


IN WITNESS WHEREOF, the parties hereto have executed this SECOND AMENDMENT effective as of the date first above written.

COUNTY OF SACRAMENTO, a political subdivision of the State of California

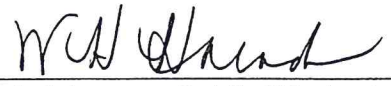
By:


Chairperson, Sacramento County Board of Supervisors


ATTEST


Clerk of the Board of Supervisors

APPROVED AS TO CONTENT:


Administrator, Public Works Agency

APPROVED AS TO FORM:


Ray C. Thompson
Deputy County Counsel

**SACRAMENTO REGIONAL
TRANSIT DISTRICT,
a public corporation**

By: Muriel P. Johnson
Muriel P. Johnson, Chairperson

By: Pilka Robinson
Pilka Robinson, General Manager

Approved as to legal form:

By: Mark Gilbert
Mark Gilbert, Chief Legal Counsel

**CITY OF FOLSOM,
a municipal corporation**

Mayor

APPROVED AS TO CONTENT:

Joe Luchi, Public Works Director

APPROVED AS TO FORM:

Martha Lofgren, City Attorney

ATTEST:

City Clerk

**SACRAMENTO REGIONAL
TRANSIT DISTRICT,
a public corporation**

By: _____
Muriel P. Johnson, Chairperson

By: _____
Pilka Robinson, General Manager

Approved as to legal form:

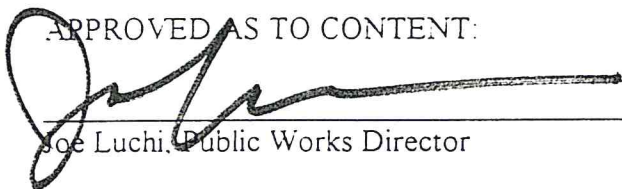
By: _____
Mark Gilbert, Chief Legal Counsel

**CITY OF FOLSOM,
a municipal corporation**



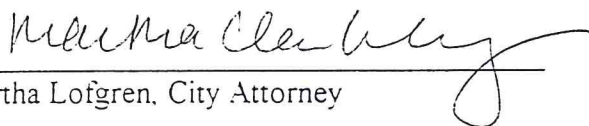
Mayor

APPROVED AS TO CONTENT:



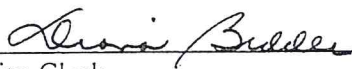
Joe Luchi, Public Works Director

APPROVED AS TO FORM:



Martha Lofgren, City Attorney

ATTEST:



City Clerk

**EL DORADO COUNTY
BOARD OF SUPERVISORS
AGENDA TRANSMITTAL
Meeting of May 11, 1999**

COPY

AGENDA TITLE: Signing of Second Amendment to Sacramento-Placerville Transportation Corridor Joint Powers Authority (SPTC-JPA) Reciprocal Use and Funding Agreement (RUFA)

DEPARTMENT: TRANSPORTATION

DATE: 4/28/99

CAO USE ONLY

CONTACT: Kris Payne *WRP* /nk

PHONE: 5926

C TOM 4/30/99

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION: The Department of Transportation requests the Board authorize and the Chairman to sign the Second Amendment to Sacramento Placerville Transportation Corridor Joint Powers Authority (SPTC-JPA) Reciprocal Use and Funding Agreement (RUFA). Copy of the Amendment is attached.

CAO RECOMMENDATION:

CAO CONCURS

Financial impact? () Yes (X) No

Funding Source: () Gen Fund () Other

BUDGET SUMMARY:

Total Est. Cost \$ 0

Funding

Budgeted \$ _____

New Funding \$ _____

Savings* \$ _____

Other \$ _____

Total Funding Available \$ _____

Change in Net County Cost \$ 0

* Explain

CAO Office Use Only:

4/5's Vote Req'd. () Yes (X) No

Change in Policy () Yes (X) No

New Personnel () Yes (X) No

CONCURRENCES:

Risk Management _____

County Counsel _____

Other _____

BUDGET OF EL DORADO COUNTY
 APR 30 1999
 IN THE AMOUNT OF \$ _____
 COUNTY CLERK

BOARD ACTIONS:

MAY 11 1999

- APPROVED AND CHAIRMAN AUTHORIZED TO SIGN.

Vote: Unanimous _____ Or

I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors.

Ayes: SOLARO, HUMPHREYS, BRADLEY, NUTTING, NIELSEN

Date: *May 14, 1999*

Noes: NONE

Attest: DIXIE L. FOOTE, Board of Supervisors Clerk

Abstentions: NONE

By: *Margaret E. Moody*
Deputy Clerk

Absent: NONE

Rev. 2/96 j:\agendalwin95

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5/11

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COUNTY OF EL DORADO, a political
subdivision of the State of California

By: Penny Humphreys
Chairman, Board of Supervisors 5-11-99

PENNY HUMPHREYS
SECOND VICE-CHAIRMAN

ATTEST:

DIXIE L. FOOTE
Clerk of the Board of Supervisors

By: Margaret E. Moody
Deputy Clerk 5-11-99

**SACRAMENTO-PLACERVILLE
TRANSPORTATION CORRIDOR JOINT
POWERS AUTHORITY**

By: William S. Bradley
William S. Bradley, Chair

By: John C. Segerdell
John C. Segerdell, CEO

APPROVED AS TO LEGAL FORM:

By: Paul J. Chrisman
Paul J. Chrisman
Authority's Legal Counsel

**COUNTY OF EL DORADO, a political
subdivision of the State of California**

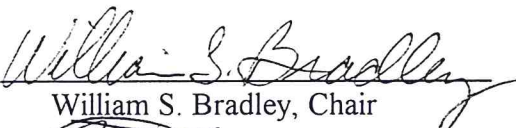
By: _____
Chairman, Board of Supervisors

ATTEST:

DIXIE L. FOOTE
Clerk of the Board of Supervisors


By: _____
Deputy Clerk

**SACRAMENTO-PLACERVILLE
TRANSPORTATION CORRIDOR JOINT
POWERS AUTHORITY**

By: 
William S. Bradley, Chair

By: 
John C. Segerdell, CEO

APPROVED AS TO LEGAL FORM:

By: 
Paul J. Chrisman
Authority's Legal Counsel