

**SECOND AMENDMENT TO THE
JOINT EXERCISE OF POWERS AGREEMENT
CREATING THE
SOUTH LAKE TAHOE RECREATION
FACILITIES JOINT POWERS AUTHORITY**

THIS SECOND AMENDMENT TO THE JOINT POWERS AGREEMENT (the “Amendment”) is entered into as of _____, 2011, among the City of South Lake Tahoe (the “City”), the County of El Dorado (the “County”) and the Tahoe Paradise Resort Improvement District (the “District” and, collectively with the County and the City, the “Parties”).

RECITALS

WHEREAS, the Parties have entered into a Joint Exercise of Powers Agreement Creating the South Lake Tahoe Recreation Facilities Joint Power Authority (the “JPA”) as of May 5, 2000;

WHEREAS, the JPA defines the Facilities the Authority is authorized to finance and complete by reference to Exhibit “A” attached to the JPA entitled Description of Facilities, Services, and Incidental Expenses to be Financed by the Community Facilities District No. 2000-1 of the South Lake Tahoe Recreation Facilities Joint Powers Authority;

WHEREAS, the Authority wishes to expand its authority to include renovations and maintenance of, and capital improvements to softball and baseball facilities located in South Lake Tahoe, California.

WHEREAS, the Authority wishes to expand its authority to include rehabilitation and maintenance of separated bicycle trails located in the CFD and owned or operated by the City of South Lake Tahoe or the County of El Dorado that were in existence prior to September 19, 2000 (date of passage of Measure S). As used herein, the term “separated” bicycle trail” has the same meaning as a “Class 1 bikeway” as defined in the Caltrans Highway Design Manual (“Provides a completely separated right of way for the exclusive use of bicycles and pedestrians with cross flow minimized.”)

WHEREAS, the Authority wishes to expand its authority to include funding other bicycle related facilities, services, and/or programs within the CFD that promote and/or enhance bicycling within the CFD.

WHEREAS, the addition of authorized facilities and expenses to be financed by the CFD through the annual special tax levied will require a 2/3 vote of approval by the registered voters within the territory of the CFD;

WHEREAS, the Amendment (a) will be consistent with the ballot measure regarding the issuance of the CFD Bonds and the annual levy of a special tax for the CFD

upon ratification by the voters of this addition to the authorized facilities and expenditures and, (b) will not materially adversely affect the owners of the CFD Bonds.

NOW, THEREFORE, the parties agree as follows:

SECTION 1. Recitals. The above recitals are agreed to.

SECTION 2. Definitions. Unless the context otherwise requires, the terms defined in Section 3 of the JPA shall have the meanings set forth therein.

SECTION 3. Amendment to JPA. Exhibit "A" to the JPA is hereby amended to read as set forth in Exhibit "A," attached hereto and incorporated by this reference.

SECTION 4. Approval by Voters. The Authority may undertake such proceedings as are necessary under the Act to obtain approval of the voters within the territory of the CFD for the addition of authorized facilities and expenses. Until voter approval is obtained, no CFD funds shall be expended for the improvement or maintenance of the added facilities.

SECTION 5. Remainder of JPA Valid. Except as expressly amended herein, the JPA shall remain valid and in full force and effect.

SECTION 6. Notice. Notice of this Amendment shall be given as required by Section 6503.5 of the Government Code.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date first above written.

-- COUNTY OF EL DORADO --

By: _____
Chair, Board of Supervisors

ATTEST:
Suzanne Allen de Sanchez
Clerk of the Board of Supervisors

By: _____ Date: _____
Deputy Clerk

-- CITY OF SOUTHLAKE TAHOE --

By: _____
Mayor

**ATTEST:
City Clerk**

By: _____ Date: _____

**-- TAHOE PARADISIE RESORT
IMPROVEMENT DISTRICT --**

By: _____
Chair, Board of Directors

**ATTEST:
Clerk of the Board**

By: _____ Date: _____

EXHIBIT A
DESCRIPTION OF FACILITIES, SERVICES
AND INCIDENTAL EXPENSES TO BE FINANCED BY
COMMUNITY FACILITIES DISTRICT NO. 2000-1 OF THE
SOUTH LAKE TAHOE RECREATION FACILITIES JOINT POWERS AUTHORITY

Description of Facilities

The public facilities to be financed by the CFD include the acquisition, construction, improvement, rehabilitation, and equipping of:

1. An enclosed building of approximately 38,000 square feet containing a regulation-sized ice skating rink and related support facilities for general public use, athletic teams, spectators, and community events;
2. Four new athletic fields and related support facilities, including, but not limited to, parking, restrooms, and spectator seating and amenities; and
3. Public recreation facilities located on property currently owned by the Tahoe Paradise Resort Improvement District.
4. Improvements to and reconstruction of the softball and baseball fields located in South Lake Tahoe, including, but not limited to, a reorganization of the ball fields, replacement of the irrigation and drainage system, and re-sodding of the ball fields; and the construction or relocation of related support facilities, including but not limited to, concession stands, restrooms, storage, batting cages and pitching areas.
5. Rehabilitation of separated bicycle trails located in the CFD and owned or operated by the City of South Lake Tahoe or the County of El Dorado that were in existence prior to September 19, 2000.

Description of Services

The services to be funded by the CFD include:

1. Maintenance of the athletic fields and support facilities described in item 2 of the above description of Facilities;
2. Maintenance of public recreation facilities located on property currently owned by the Tahoe Paradise Resort Improvement District; and
3. Maintenance of separated bicycle trails located in the CFD and

owned or operated by the City of South Lake Tahoe or the County of El Dorado. The JPA will continue to provide maintenance funding for the non-separated bicycle trail for which El Dorado County received maintenance funding in 2010.

4. After rehabilitation has been accomplished as provided in facilities paragraph #5 above, maintenance of separated bicycle trails located in the CFD and owned or operated by the City of South Lake Tahoe or the County of El Dorado that were in existence prior to September 19, 2000.

Description of Incidental Expenses

The incidental expenses to be funded by the CFD include:

1. The cost of engineering, planning, and designing the Facilities;
2. All costs associated with the creation of the CFD and the Authority, the issuance of bonds by the CFD and the administration of such bonds, and the determination, levy, and collection of the special tax; and
3. Any other costs incurred to carry out the authorized purposes of the CFD and to administer the CFD and the Authority.
4. Other bicycle related facilities, services, and/or programs within the CFD that promote and/or enhance bicycling within the CFD.