

**ITEM 6C**

**Coachella Valley Association of Governments  
General Assembly  
June 24, 2019**



**Staff Report**

**Subject:** Update to CVAG's By-Laws

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**Recommendation: Approve amendments to the CVAG's By-Laws to establish a rotation of the CVAG chairmanship and clarify CVAG's tribal membership.**

**Background:** In recent months, members of the CVAG Executive Committee have asked about the practice of selecting CVAG officers, and whether CVAG should establish a formal policy.

Under CVAG By-Laws, the CVAG chairman and vice chairman are approved by the General Assembly, which is a quorum of all the elected officials from CVAG's member jurisdictions. The General Assembly has historically accepted the recommendation of the Executive Committee. The Executive Committee has received a recommendation from an annually appointed Nominating Committee, which is typically comprised of the recent chairs of the Executive Committee.

Similar to many other agencies, CVAG has no procedures or rules that govern when a member becomes chairman or vice chairman. CVAG has maintained an unwritten, but generally followed, rotation in recent years. In the deliberations, the Nominating Committee has weighed the rotation schedule, the tenure of the elected official and the official's tenure with CVAG itself. Nominating Committees have considered other factors as well, such as a demonstrated level of leadership, meeting management skills and the temperament to satisfactorily represent the region.

The Administrative/ Personnel Committee discussed this item at the March 25 meeting, which noted that there would be little need to establish a Nominating Committee under an automatic rotation. However, there could still be instances that might require policy guidance related to the rotation. Therefore, the Administrative/ Personnel Committee recommended they should confirm the rotation and indicate to the Executive Committee if deviations are recommended.

At the April 29 and June 3 meetings, the CVAG Executive Committee provided additional comments and direction to shape a By-Laws amendment and establish a formal rotation had a robust discussion of the idea and asked staff was asked to draft language that would create a rotation based on jurisdiction.

CVAG's By-Laws details the role of CVAG officers under Section 2, and amendments are provided as a redlined text. The proposed rotation is based on the unwritten, but generally followed, rotation that CVAG has maintained in recent years.

## **SECTION 2 - OFFICERS**

A. The officers of the General Assembly, elected by a majority vote thereof, shall be a Chairman and Vice-Chairman, who shall be elected annually before July of each year. To be eligible for nomination and election, said officer shall be a member of the Executive Committee, having been so designated in accordance with Article III. Section 1 - B. of these By-Laws.

B. The Executive Committee, as defined in Article III, shall recommend nominees for Chairman and Vice-Chairman. ~~Additional nominations may be made in the General Assembly.~~ Ordinarily, the Vice-Chairman will succeed the Chairman at the conclusion of his or her term of office. Except as provided below, the nominees shall be rotated among the member agencies in the following order: Agua Caliente Band of Cahuilla Indians, Indio, Cabazon Band of Mission Indians, Palm Springs, Coachella, Desert Hot Springs, Rancho Mirage, Riverside County's Fourth Supervisorial District, Blythe, La Quinta, Palm Desert, Cathedral City, Indian Wells, and Riverside County's Fifth Supervisorial District. New members will be added last in order to the rotation. Commencing in fiscal year 2020/2021, the jurisdiction next in order to serve as an officer will be passed over and moved to the end of the rotation if its representative or alternative have not attended seventy-five percent or more of the Executive Committee meetings in the previous year. Based on a recommendation of the Administrative/Personnel Committee, the Executive Committee may in making its nominations deviate from the strict rotation set forth above if determined to be in CVAG's best interests.

C. The Chairman and Vice-Chairman shall not be representatives of the same member governments.

D. Should an officer be unable to serve for any reason, he or she may be replaced by governing body of the member jurisdiction which he or she represented on the Executive Committee. The replacement, who shall be the officially designated representative of the member agency, shall serve out the remainder of the officer's term.

E. The Chairman of the General Assembly shall preside at all meetings of the General Assembly and Executive Committee. In the absence of the Chairman, the Vice-Chairman shall perform all the duties of the Chairman. In the absence of both the Chairman and Vice-Chairman, the General Assembly or Executive Committee shall choose one of its voting members to chair the meeting for that day only.

This language is also being presented to the Executive Committee for final approval. CVAG staff will make a verbal report if any changes were made.

In addition, CVAG staff is recommending a change to By-Laws Article III, Section I. At the April 30, 2018 meeting, the Executive Committee approved the Third Amendment and Restatement of the CVAG Joint Powers Agreement (JPA). The JPA became effective in the current fiscal year. Most notably, the JPA established the membership of two tribes – the Agua Caliente Band of Cahuilla Indians and the Cabazon Band of Mission Indians. Both tribes have participated in CVAG

for years, and a revision in state legislation clarified that tribal nations could become formal members of joint powers authorities. The proposed revision to the By-Laws, which is presented in redlined changes, will identify their membership, and make the document consistent with the JPA and with the Policies and Procedures

The Executive Committee will be composed of the Mayor or his/her alternate, or an officially designated representative who must be an elected Councilman of each member city; **the Chair of member tribal nations, or his/her designated alternate;** and the five County Supervisors, **or the member's designated alternate.** The Immediate Past Chairman of CVAG shall be entitled to serve on the Executive Committee without vote for a one year term provided he/she remains an elected official of one of CVAG's member governments. The CVAG representative to the Southern California Association of Governments' Regional Council shall be entitled to serve on CVAG's Executive Committee without vote during the time he/she fills that position.

**Fiscal analysis:** There is no fiscal impact as the CVAG Chairman and Vice Chairman receive the same per-diem as other Executive Committee members. Additionally, representatives of the Agua Caliente and the Cabazon tribes have been, and will continue to, receive per diems for attending meetings.

**Attachment:** History of CVAG Chairmanship

**HISTORY OF CVAG'S EXECUTIVE COMMITTEE CHAIR**

| Year    | Indio | County (5th Dist.) | Indian Wells | Cathedral City | Palm Desert | La Quinta | Blythe | County (4th Dist.) | Rancho Mirage | Dsrt. Hot Springs | Coachella | Palm Springs | Cabazon | Agua Caliente |
|---------|-------|--------------------|--------------|----------------|-------------|-----------|--------|--------------------|---------------|-------------------|-----------|--------------|---------|---------------|
| 2018/19 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2017/18 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2016/17 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2015/16 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2014/15 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2013/14 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2012/13 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2011/12 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2010/11 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2009/10 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2008/09 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2007/08 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2006/07 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2005/06 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2004/05 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2003/04 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2002/03 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2001/02 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 2000/01 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1999/00 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1998/99 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1997/98 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1996/97 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1995/96 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1994/95 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1993/94 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1992/93 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1991/92 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1990/91 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1989/90 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1988/89 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1987/88 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1986/87 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1985/86 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1984/85 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1983/84 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1982/83 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1981/82 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1980/81 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1979/80 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1978/79 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1977/78 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1976/77 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1975/76 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| 1974/75 |       |                    |              |                |             |           |        |                    |               |                   |           |              |         |               |
| Totals  | 5     | 2                  | 3            | 4              | 5.5         | 4         | 2      | 4                  | 5             | 2                 | 3         | 5            |         |               |