

JOINT RESOLUTION

CITY OF DIXON
RESOLUTION NO. 1995-136

CITY OF VACAVILLE
RESOLUTION NO. 1995-131

**A JOINT CITY COUNCIL RESOLUTION APPROVING AN AGREEMENT
BETWEEN THE CITIES OF VACAVILLE AND DIXON
FOR THE FORMATION OF VACAVILLE-DIXON GREENBELT AUTHORITY
IN ACCORDANCE WITH THE JOINT POWERS PROVISION OF
GOVERNMENT CODE SECTION 6500, ET SEQ.**

WHEREAS, the City Councils of the Cities of Dixon and Vacaville have had a long-standing interest in creating an open space agricultural greenbelt between the two cities; and

WHEREAS, the two cities have approved the purchase of 1003 acres of agricultural land between them to put this policy into effect; and

WHEREAS, the two cities have concluded that it is in the public's interests to jointly own, manage, and control the agricultural/open space buffer; and

WHEREAS, the proposed Agreement is within the scope of the Environmental Impact Report prepared for the Dixon General Plan and no new environmental documentation is required in accordance with Section 15168(c)(2) of the California Environmental Quality Act; and

WHEREAS, the proposed Agreement is deemed an activity within the scope of the City of Vacaville General Plan Revision, analyzed by the Proposed General Plan EIR, and no new environmental documentation is required in accordance with Section 15168(c)(2) of the California Environmental Quality Act; and

WHEREAS, the proposed Agreement is consistent with the principles of the Vacaville-Dixon Greenbelt goals and objectives as articulated in numerous public hearings before each City Council; and

WHEREAS, the proposed Agreement is consistent with the City of Vacaville General Plan and the City of Dixon General Plan.

NOW, THEREFORE THE CITY COUNCILS OF THE CITIES OF DIXON AND VACAVILLE do resolve as follows:

1. To approve the Agreement between the Cities of Vacaville and Dixon for the Formation of the Vacaville-Dixon Greenbelt Authority, as shown in Exhibit I, attached hereto and hereby made a part of this Resolution and, thereby, to create said Joint Powers Authority under the provisions of Government Code Section 6500, et seq.

I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Dixon held on the 24th day of October, 1995, by the following vote:

AYES: COUNCIL MEMBERS CROSS, SALABER, FERRERO, MISTLER, ERICKSON

NOES: COUNCIL MEMBERS NONE

ABSENT: COUNCIL MEMBERS NONE

ABSTAIN: COUNCIL MEMBERS NONE

ATTEST:

Linda Crisman
Linda Crisman, City Clerk

Don Erickson
Don Erickson, Mayor

I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Vacaville held on the 24th day of October, 1995, by the following vote:

AYES: COUNCIL MEMBERS Kahn, Kimme, Vice-Mayor Tatum and Mayor Fleming

NOES: COUNCIL MEMBERS Clancy

ABSENT: COUNCIL MEMBERS None

ABSTAIN: COUNCIL MEMBERS None

ATTEST:

Kathleen M. Andronico
Kathleen M. Andronico, City Clerk

David A. Fleming
David A. Fleming, Mayor

AGREEMENT BETWEEN THE CITIES OF VACAVILLE AND DIXON FOR THE
FORMATION OF THE VACAVILLE-DIXON GREENBELT AUTHORITY

This Agreement is entered into pursuant to the Joint Exercise of Powers Act (Government Code sections 6500 et seq.) and becomes effective on 10/24, 1995, by and between the City of Vacaville ("Vacaville") and the City of Dixon ("Dixon");

RECITALS

1. In May, 1990, Dixon and Vacaville adopted Resolution Nos. 9045 and 1990-F-4 respectively ("Joint Resolution"), declaring the intent to preserve a permanent "Green Belt" between the cities; and
2. Cities recognize that their existing Spheres of Influence are closest together along Interstate 80, and efforts to maintain separation and identity must focus first on creating a greenbelt separator in this area; and
3. In furtherance of the intention to create a greenbelt separator, the cities have identified properties which they intend to purchase for greenbelt purposes; and
4. Each party is committed to the importance of a.) a clearly defined separator and b.) the permanence of a greenbelt which carries on the area's existing agricultural tradition; and
5. The Cities recognize the importance of the Solano County Board of Supervisor's participation in the formation of the greenbelt; and
6. The Parties believe that the most effective means to achieve their mutual goals for the Greenbelt is to provide a forum for a cooperative working relationship which would be achieved through a Joint Powers Agency (JPA"). The Parties wish to establish this forum through this joint powers agreement.

NOW, THEREFORE, THE PARTIES agree as follows:

I. CREATION OF THE VACAVILLE-DIXON GREENBELT AGENCY (VDGA)

There is hereby created the Vacaville-Dixon Greenbelt Agency (VDGA) to exercise the powers common to each Party in the manner set forth in this Agreement. This agreement shall remain in effect in perpetuity unless dissolved as provided for under Section V.B.2. below.

II. CREATION OF THE GREENBELT

- A. The VDGA intends to acquire lands depicted in Exhibit A and commit them to the creation of a greenbelt separator.
- B. Lands purchased under this Agreement are intended to be maintained in productive agriculture, environmental mitigation and other open space uses mutually agreed upon by the VDGA.
- C. Additional greenbelt lands beyond those shown in Exhibit A may be added in the future.
- D. The Cities agree not to extend Spheres of Influence, city limits or urban utilities into the greenbelt area without concurrence of VDGA.

III. GOALS

- A. To provide for the preservation and conservation of viable agricultural and open space land;
- B. To provide a permanent separation between the urban areas of Dixon and Vacaville;
- C. To acquire land, create conservation easements, hold and manage land for greenbelt uses;
- D. To comply with its Solano Irrigation District Master Water Agreement commitments, Vacaville wishes to limit growth into agriculture areas.

IV. VDGA ADMINISTRATION

A. Governing Board

There is hereby created a Governing Board ("Board") to govern the VDGA. The Board shall consist of two members each from the City Councils of Vacaville and Dixon and one ex-officio member from the Solano County Board of Supervisors. Each local government shall appoint its representatives to the Board.

- 1. The Chair of the agency shall be elected by VDGA and shall hold that office for one year where upon the chair shall rotate to the other jurisdiction the following year.
- 2. The Secretary of the VDGA will be the City Manager of the agency which holds the chair.

B. Voting

1. For the purposes of this Agreement, a quorum of the Board shall be when three or more members are present. Said quorum shall at a minimum include at least one member from Vacaville and one from Dixon.
2. Each member of the VDGA Board shall have one vote.
3. A majority vote of those present and eligible to vote shall be required for those actions as described under Section V. Powers.

C. Responsibilities

Acquisition and management of property shall be the responsibility of the cities only. Division of that responsibility will be on an equal basis.

D. Meetings

The Board shall hold at least one (1) regularly scheduled meeting each year. All meetings of the Board shall be subject to the provisions of the Ralph M. Brown Act.

V. POWERS

A. The Authority shall have the following powers which shall be exercised through the Board:

1. Acquire and dispose of greenbelt lands, subject to the reservation of a conservation easement to ensure compliance with the Goals of the Authority;
2. Manage and maintain greenbelt lands;
3. Enter into contracts for services of consultants and others;
4. Develop and implement Greenbelt plans;
5. Develop and implement an Initial and Annual Budget; and,
6. Make recommendations to member jurisdictions for amendments to General Plans, Comprehensive Annexations Plans, Spheres of Influence, land use regulations and projects within the Greenbelt.

B. Restrictions

1. Any amendment or modification of this Agreement shall require approval of the governing bodies of the Parties.
2. Any acquisition or disposal of greenbelt lands shall require approval of the governing bodies of the Parties.
3. Dissolution of the VDGA will require approval by a 4/5 vote of the City Councils of both Cities. Prior to any such action a recommendation will be provided by the secretary as to the mechanism to apportion any assets of the VDGA.:

VI. FUNDS AND BUDGET

A. Expenses and Revenues

The two Parties shall share equally in VDGA operating and planning expenses and in any revenues, including interest earnings.

B. Initial Budget

Within sixty (60) days of the effective date of this Agreement, the Board shall adopt an Initial Budget for the first fiscal year. For purposes of this agreement, the fiscal year shall begin each year in July and end the following June. Within thirty (30) days of the adoption of the Initial Budgets, all parties shall contribute an equal amount to fund the Initial Budget.

C. Annual Budget

Not later than ninety (90) days before the end of each fiscal year, the Board shall adopt by resolution a budget for the following fiscal year setting forth all anticipated administrative, operational, and capital expenses and sources of funds for the VDGA. The Board may consider alternative means of raising revenue for the work of the VDGA. Within thirty (30) days of the adoption of the Annual Budget, the Parties shall each appropriate an equal amount to provide the funding required by the Annual Budget. Contributions of staff time beyond that normally expected by any Party may be made in lieu of (or partially compensating for) direct financial contributions to the Agency.

D. Audit and Accounting Services

1. Pursuant to the requirements of section 6505.5 of the Government Code, the Treasurer of Vacaville is designated to be the depository and to have

custody of all VDGA funds from whatever source, and to perform the following functions:

- a. Receive and receipt for all money of the VDGA and place it in the City Treasury of Vacaville for the credit of the VDGA;
- b. Be responsible upon official bond for the safekeeping and disbursement of all VDGA money so held in accordance with Government Code section 6505.1;
- c. Pay any sums due from VDGA money or any portion thereof, only upon warrants of the public officer performing the functions of auditor who has been so designated pursuant to this Agreement;
- d. Verify and report in writing on the first day of January, April, July and October, of each year to the VDGA and to the Parties the amount of money the Treasurer holds for the VDGA, the amount of receipts and the amount paid out since the last report to the VDGA.

2. Auditor

- a. The functions of Auditor shall be performed for the VDGA by the Auditor of the City of Dixon.
- b. There shall be strict accountability of all funds, and the Auditor of the City of Dixon shall report to the Financial Officer all receipts and disbursements. In addition, the Auditor of the City of Dixon will either make or contract for an audit of the accounts and record of the VDGA at least annually as prescribed by section 6505 of the Government Code. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under section 26909 of the Government Code and audit shall conform to generally accepted auditing standards.

IN WITNESS WHEREOF, each Party has executed approval of this Agreement and filed said approval with the Clerk of the County of Solano and said signatures are listed below or attached hereto.

CITY OF DIXON
A Municipal Corporation

Date: 10/24/95

BY Don Erickson
Mayor

ATTEST:

Ainda Cresman
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney

CITY OF VACAVILLE
A Municipal Corporation

Date: 10/24/95

BY D. A. Zeman
Mayor

ATTEST:

Kathleen M. Androsico
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney