

RESOLUTION NO.17-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO APPROVING AND AUTHORIZING THE EXECUTION OF THE POOLED LIABILITY ASSURANCE NETWORK [PLAN] JOINT EXERCISE OF POWERS AGREEMENT

WHEREAS, the City of Cupertino ("City") is a member of PLAN corporation, a California non-profit corporation ("PLAN Corporation") comprised of twenty-eight member agencies pooling their property and liability risk in conjunction with the Association of Bay Area Governments ("ABAG") Joint Exercise of Powers Authority ("JPA"), established pursuant to California Government Code §6500 et seq., and

WHEREAS, in 1986 ABAG and PLAN Corporation entered into an Agency Agreement which irrevocably assigned the risk management duties and obligations of ABAG to PLAN Corporation.

WHEREAS, the Member Agencies of PLAN Corporation have entered into a Risk Coverage Agreement with each other and ABAG to provide for pooled liability services through PLAN Corporation, and

WHEREAS, a JPA is required to act as fiscal agent and manage the transfer and assignment of all of the current assets and liabilities from PLAN Corporation to the new PLAN JPA, and

WHEREAS, the Members of PLAN Corporation seek to separate from the current model of service involving the necessity of the Agency Agreement and use of the ABAG JPA to the new risk management focused PLAN JPA that would provide pooled risk coverage for its member agencies, with preference for the existing members of PLAN, under a new risk coverage agreement within the PLAN JPA, and

WHEREAS, as part of the transition the Bickmore Contract with PLAN Corporation will be assigned to the PLAN JPA, so that these services can continue in a seamless manner, and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the City Manager/Mayor to execute the Pooled Liability Assurance Network (PLAN) Joint Exercise of Powers Agreement, pursuant to California Government Code §6500 et seq., including the powers delegated therein, conditioned on the transfer of the assets of PLAN to the PLAN JPA, in substantially the form attached to this Resolution

(minor technical or clerical corrections, if any, to be included in the authority granted here.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the CITY's PLAN Corporation representative is authorized to approve of the assignment of assets from PLAN Corporation to the JPA, and to approve the assignment of risk management services from PLAN Corporation to PLAN JPA.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 21ST day of November, 2017, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
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AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Grace Schmidt, City Clerk

Savita Vaidhyanathan, Mayor