JOINT POWERS AGREEMENT

AUTOMATED REGIONAL JUSTICE INFORMATION SYSTEM JOINT POWERS AGENCY

THIS AGREEMENT is made among those Public Agencies named below which execute this Agreement.

RECITALS

WHEREAS, Public Agencies realize that there is a need for continued operation, maintenance, enhancement and implementation of the Automated Regional Justice Information System in order to provide improved law enforcement capabilities to the San Diego region by an effective and efficient use of electronic data processing technology capabilities; and

WHEREAS, Public Agencies believe that the joint exercise of their powers will provide an agency capable of continuing the operation, maintenance and implementation of the Automated Regional Justice Information System,

NOW THEREFORE, in consideration of recitals and the mutual obligations of the parties as herein expressed, Public Agencies agree as follows:

1. Definitions

The following terms shall have the meanings ascribed to them within this section unless the content of their use dictates otherwise:

(a) "Contract Agency" shall mean any authorized agency who enters into a contract with the Automated Regional Justice Information System Joint Powers Agency to access the Automated Regional Justice Information System.

(b) "Ex-officio Agency" shall mean those agencies other than general purpose local governments as defined in Section 6500 of the Government Code who conduct law enforcement activities and general purpose local governments outside San Diego County who are at any given time a party to this Agreement.

(c) "Fiscal Year" shall mean that year beginning July 1, and ending June 30.

(d) "Member Agencies" shall mean those units of general purpose local government, within the County of San Diego, who are at any time a party to this Agreement.

(e) "Population" of any Member Agency shall mean that population last determined for each Member Agency as certified by
the State Department of Finance as of January 1, of each year, or if no certification has been made, the last Federal Decennial Census, except that the population of the County of San Diego shall be that population determined in the same manner for the unincorporated area of the County. The population of the region shall be that population determined by adding the population of each Member Agency.

2. **Establishment of the ARJIS Joint Powers Agency**

There is hereby created an agency to be known and denominated as the Automated Regional Justice Information System Joint Powers Agency (ARJIS) which shall be a public entity separate and apart from any Member or Ex-officio Agency. ARJIS shall be governed by the terms of this Joint Powers Agreement and any bylaws passed and adopted by the governing board.

3. **Purpose of Agency**

The specific and primary purpose for which this agency is created is to assist Member Agencies by providing and continuing the operation, maintenance, enhancement and implementation of those telecommunication features initiated under the State Office of Criminal Justice grant agreement #A-2469-5-A-79. In addition, this agency may pursue development of other computerized systems to meet law enforcement needs and requirements in the region.

4. **Powers of ARJIS Board of Directors**

As may be necessary for the accomplishment of the purposes of this Agreement, ARJIS shall have the power, in its own name, to make and enter into contracts; to employ agents and employees; to provide for employee retirement, health and welfare benefits; to acquire, hold and dispose of property, real and personal; to sue and be sued in its own name; to hire legal counsel and to incur debts, liabilities or obligations. However, the debts, liabilities and obligations of ARJIS shall not constitute any debt, liability or obligation of any of the Member or Ex-officio Agencies which are parties to this Agreement. The Treasury of the City of San Diego shall be the depository of funds of ARJIS and the Treasurer of the City of San Diego shall be the ex-officio Treasurer of ARJIS. The Auditor/Comptroller of the City of San Diego shall be the ex-officio Auditor/Comptroller of ARJIS and shall draw warrants or check-warrants against the funds of ARJIS in the Treasury when the demands are approved by the Board of Directors, or such other persons as may be specifically designated for that purpose in the bylaws. Said Auditor/Comptroller and Treasurer shall comply with all duties imposed under Article 1, Chapter 5, Division 7, Title I, of the California Government Code commencing with Section 6500. The City of San Diego shall determine reasonable charges to be made against ARJIS for the services of the Treasurer and Auditor/Comptroller. At the end of each fiscal year there shall
be an audit conducted by an independent, accredited certified public account.

5. Accounts and Reports

The Auditor/Comptroller of ARJIS shall establish and maintain such funds and accounts as may be required by good accounting practice or bylaws passed and adopted by this Agency. The books and records of ARJIS in the hands of the Auditor/Comptroller shall be open to inspection at all reasonable times by representatives of the Member and Ex-officio Agencies. The Auditor/Comptroller of ARJIS, within 120 days after the close of each fiscal year, shall give a complete written report of all financial activities for such fiscal year to the Member and Ex-officio Agencies. Said financial report shall be accompanied by a financial/compliance opinion by an independent, accredited certified public accountant.

6. Funds

The Treasurer of ARJIS shall receive, have the custody of and disburse ARJIS funds upon the warrant or check-warrant of the Auditor/Comptroller (i) pursuant to the accounting procedures developed under Section 5 hereof, and (ii) as nearly as possible in accordance with normal City of San Diego procedures, shall make the disbursements required by this Agreement or to carry out any of the provisions or purposes of this Agreement. The Treasurer of ARJIS may invest ARJIS funds in accordance with general law. All interest collected on ARJIS funds shall be accounted for and posted to the account of such funds.

7. Governing Board of ARJIS

All powers of the Agency shall be exercised by the Board of Directors. The Board of Directors shall be composed of one primary representative selected by the governing body of each Member Agency to service until recalled by the governing body of said Member Agency. Each Member Agency director must be a mayor, councilperson, or supervisor of the governing body which selected him/her, or other appropriate elected official selected by the governing body. Vacancies shall be filled in the same manner as originally selected. Each Member Agency shall also select in the same manner as the primary representative one alternate to serve on the Board of Directors when the primary representative is not available. Such alternate shall be subject to the same restrictions and have the same powers, when serving on the Board of Directors, as the primary representative.

At its discretion, each Member Agency may select a second alternate, in the same manner as the primary representative, to serve on the Board of Directors in the event that neither the primary representative nor the regular alternate is able to attend a meeting of the Board of Directors. Such alternate shall be
subject to the same restrictions and have the same powers, when serving on the Board of Directors, as the primary representative.

The Board of Directors may at any time authorize other agencies as defined in Section 6500 of the Government Code which conduct law enforcement activities (hereinafter referred to as "Ex-officio Agencies") to join the Board of Directors. Each Ex-officio Agency shall be allowed to vote in accordance with the provisions of Section 8. The Ex-officio Agency shall designate a primary representative and alternate.

The United States Department of Justice and the Attorney General of the State of California may join as charter Ex-officio members, or at any later time become Ex-officio members by executing this Agreement.

The Board of Directors may allow for the appointment of advisory representatives to sit with the Board of Directors, but in no event shall said representatives be allowed a vote.

Each director, or designated alternate acting in a director’s absence, may receive reimbursement from ARJIS for out-of-pocket and travel expenses incurred by such director or alternate on approved agency business. Except where prohibited by the charter, or any ordinance, rule, regulation, or policy of a Member Agency, each Member Agency director, or designated alternate acting in a Member Agency director’s absence, who does not serve as a SANDAG board member, shall receive $75.00 for each Board meeting attended, as well as travel expenses incurred.

8. Vote of Board of Directors

(a) The Board of Directors shall vote on all items on the basis of one vote per Member and Ex-officio Agency, except that if representatives of three Member Agencies request a weighted vote after voting on any particular item, then in that event a new weighted vote which will be final and binding, shall be taken. Ex-officio Agencies shall not have a weighted vote.

(b) When the weighted vote is taken there shall be a total of one hundred votes, except additional votes shall be allowed pursuant to Section 19. The representatives of the Member Agencies shall be entitled to 100 votes, with each representative having that number of votes determined by the following apportionment formula, provided that each Member Agency shall have at least one vote, and there shall be no fractional vote:

1. Determine each Member Agency’s population using figures from the Department of Finance.
2. Total the population determined in step 1 and compute percentage of this total that each Member Agency has.
3. Boost fractions that are less than one to one; add whole numbers.

4. If the answer to step 3 is 100, drop all fractions and the whole numbers are the votes for each Member Agency.

5. If the answer to setup 3 is less than 100, the remaining vote(s) is/are allocated one each to that Member Agency(s) having the highest fraction(s) excepting those whose vote was increased to one (1) in step 3 above.

6. If the answer to step 3 is more than 100, the excess vote(s) is/are taken one each from that Member Agency(s) with the lowest fraction(s). In no case may a vote be reduced to less than one.

7. Cities which contract with the County of San Diego for law enforcement services to be provided by the Sheriff shall be included in the computation of the weighted vote whether or not the city is a Member Agency. If said City is not a Member Agency, its weighted vote shall be added to the County total.

(c) When the weighted vote is taken, the vote of not less than five (5) Member Agencies, representing not less than fifty-one percent (51%) of the total weighted vote of the Member Agencies shall be required to supersede the original action. If the weighted vote fails, action determined by the original vote shall stand.

The weighted vote shall be recomputed in the above manner July 1 each year.

9. **Meetings**

The Board of Directors shall conduct meetings quarterly in conjunction with regularly scheduled SANDAG meetings during the year and such other times as the Board of Directors shall direct or the bylaws specify.

10. **Bylaws**

The Board of Directors of ARJIS may adopt from time to time bylaws, rules and regulations as may be required for the conduct of its meetings and the orderly operation of the Agency; and copies and amendments thereto shall be filed with each and Member and Ex-officio Agency.

11. **Chief Executive Officer**

The Board of Directors shall appoint a Chief Executive Officer
who shall hold office until he/she resigns or is removed by the Board of Directors. The Chief Executive Officer shall have such duties as may be prescribed by the Board of Directors. The Chief Executive Officer shall have charge of all projects and property of the Agency and shall file with the Treasurer of ARJIS an official bond in the minimum amount of $100,000 or such larger amount as the Board of Directors specifies, guaranteeing faithful performance of his/her duties.

12. Financial

(a) The Board of Directors shall approve a preliminary budget no later than April 1 of each year. The Board of Directors shall adopt a final budget no later than July 1 of each year. A copy of the preliminary budget when approved and a copy of the final budget when adopted shall be filed with each Member and Ex-officio Agency.

(b) Responsibility for supplying funds for that portion of the budget for ARJIS which is to be supplied by the Member Agencies for operation, maintenance, enhancement and implementation of the system as adopted by the Board of Directors, shall be divided among the Member Agencies including within its budget as funds to be supplied to ARJIS that sum of money determined by taking the ratio its population bears to the total population of the region and multiplying it by that portion of the approved budget to be supplied by the Member Agencies.

Payment of this determined sum of money shall be made by each Member Agency by July 15 of each year. If payment by a Member Agency has not been made by September 1 of each year, that Member Agency shall cease to be a participating member of ARJIS, and its representative shall no longer participate or vote as a member of the Board of Directors. A delinquent Member Agency will be reinstated to participating membership and its representative allowed to participate on the Board of Directors when full payment has been made, including interest computed from July 15 at the average interest earning rate as determined by the Ex-officio Treasurer. Ex-officio and Contract Agencies shall make payment of this determined sum in accordance with the provisions of the contract between ARJIS and the Ex-officio or Contract Agency.

All Ex-officio and Contract Agencies who use the system shall be individually charged and pay to ARJIS a reasonable share of the total cost of operation, maintenance, enhancement and implementation of the system as determined by the Board of Directors.

(c) Member Agencies, Ex-officio Agencies and Contract Agencies who access the computer shall be charged for computer time at a rate agreed to by the Board of Directors.
13. Ralph M. Brown Act

All meetings of ARJIS, including without limitation regular, adjourned regular, and special meetings of the Board of Directors, and meetings of all standing committees, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code).

14. Quorum

A majority of the voting members of the Board of Directors of ARJIS shall constitute a quorum for the transaction of business. In determining a quorum, the weighted vote shall not be used.

15. Procedures to be Followed

Pursuant to Government Code Section 6509, which requires that the powers of ARJIS be limited by the legal restrictions placed upon a named Member Agency, the powers of ARJIS delineated under Section 4, above, shall be subject to those legal restrictions imposed upon the City of La Mesa by the Constitution of the State of California and the laws governing general law cities.

The Board of Directors shall adopt administrative regulations establishing the procedures and policies for directing and approving change orders which at a minimum shall require that any user request for changes in the program or priorities established by the Board of Directors shall require Board of Directors approval.

16. Duration of Agreement

This Agreement shall continue in full force and effect until Member Agencies representing more than 50% of the population of the region withdraw from this Agency by resolution.

17. Disposition of Assets Upon Termination

Upon termination of this Agreement any money or assets in possession of the Agency after the payment of all liabilities, costs, expenses and charges validly incurred under this Agreement shall be returned to the Member Agencies in proportion to their contributions determined as one of the time of termination.

18. Effective Date of Agreement

The Agreement shall become effective for all purposes at 12:01 a.m. July 1, 1990.
19. **Later Participating Member Agencies**

Any San Diego County incorporated city which incorporated after December 1, 1980, which may desire to participate in the activities of ARJIS may do so by executing this Agreement without prior approval or ratification of the Member Agencies and shall be bound by the terms of this Agreement as of the date of execution. The County of San Diego, and the cities in the County which were incorporated on December 1, 1980, who did not execute this Agreement by December 1, 1980 which desire to participate in the activities of ARJIS may do so by executing this agreement without prior approval or ratification of the existing Member Agencies and paying an initial membership charge which may be established and required by the Board of Directors to offset a portion of the initial start-up costs paid by the Charter Member Agencies, and shall be bound by the terms of terms of this Agreement as of the date of execution. Said membership charge shall not be required of cities who as of December 1, 1980, contract with the County of San Diego for law enforcement services, and become a Member Agency after December 1, 1980. Any later participating Member Agency shall receive one (1) vote under the single vote procedure and one (1) vote under the weighted voting procedure specified above until the next recomputation of the weighted vote as specified in Section 9 above, at which time said later participating Member Agency shall receive votes in accordance with the formula specified in said Section 9. Until such recomputation, the total weighted vote may exceed 100.

20. **Agreement Repository**

A fully executed copy of this Joint Powers Agreement and any amendments thereto shall be filed with the authorized representative of each Member and Ex-officio Agency.

21. **Compliance**

In order to protect the privacy of individuals as set-forth in Section 1 of Article I of the Constitution of California and in the United States Constitution, the maintenance and dissemination of the information in the ARJIS system shall be undertaken in compliance with Federal and State laws and regulations including the Information Practices Act of 1977 (commencing with Section 1798 of the California Civil Code). An appropriate agency as determined by the Board of Directors shall, at the call of the Board of Directors, conduct an annual certification of the information to assure compliance.
22. **Amendments**

Proposed amendments may be originated by Member and Ex-officio Agencies or any member of the Board of Directors. Amendments to this Agreement shall require the vote of two thirds (2/3) of the Member Agencies who are members of ARJIS at the time the amendment is proposed.

IN WITNESS WHEREOF, each of the following Public Agencies has caused this Joint Powers Agreement to be executed by having affixed thereto the signatures of the agent of said Agency authorized therefor by the legislative body of that Agency.

Adopted 12/80
Amended 7/90
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Deputy City Clerk: Sharron L. Rait 9/19/90

Mayor Pro Tem: Jerri B. Thompson 1/14/90
AUTOMATED REGIONAL JUSTICE INFORMATION SYSTEM

BOARD OF DIRECTORS

BYLAWS

ARTICLE I

NAME AND PURPOSE

Section 1

The name of this Agency shall be the Automated Regional Justice Information System Joint Powers Agency (hereinafter referred to as ARJIS).

Section 2

The Agency was created for the purposes stated in the Joint Powers Agreement of December 1, 1980, amended July 1, 1990.

ARTICLE II

MEMBERSHIP AND ORGANIZATION

Section 1

Membership in this Agency shall be as provided in the Joint Powers Agreement amended of December 1, 1980, July 1, 1990.

Section 2

a. All powers of this Agency pursuant to the Joint Powers Agreement shall be exercised by the Board of Directors.

b. Only the duly selected official representative, or in his/her absence, his/her duly selected alternate or alternates as provided for in the Joint Powers Agreement, shall be entitled to represent his/her Member or Ex-officio Agency in the deliberations of the Board of Directors.

c. Names of the official representative and alternates shall be communicated in writing to the Agency upon its initial formation by each participating Member Agency and shall thereafter be communicated at such other times as changes in representation are made by Member or Ex-officio Agencies.

Section 3

There shall be a Budget and Program Review Committee composed of
the County Chief Administrative Officer, the City Manager of the City of San Diego and three other City Managers appointed from among themselves.

Section 4

a. There shall be a Management Committee composed of standing members who shall be the Chief of Police or Sheriff of each Member Agency, and advisory members appointed by the Board of Directors.

b. Each standing member of the Management Committee shall have one vote.

c. Whenever a member is not present at a meeting of the Management Committee, a designated alternate selected by the member may act as a member.

d. There shall be a Users Committee composed of members of law enforcement agencies who operate or use the system. The Users Committee shall be appointed by the Management Committee and ratified by the Board of Directors.

Section 5

The Board of Directors shall have the authority to appoint additional committees or subcommittees and may provide for the appointment of alternates to these committees.

a. Additional standing committees may be appointed by the Board of Directors as may be required to carry out general and continuing functions and may be abolished only upon specific action by the Board of Directors.

b. Ad hoc specialized subcommittees may be appointed by the Board of Directors as the need arises to accomplish specific tasks. Upon completion of its assignment, each ad hoc subcommittee shall disband.

c. A simple majority of the appointed members of a committee shall constitute a quorum.

ARTICLE III

MEETINGS

Section 1

a. A quorum for the meeting of the Board of Directors shall be as provided for in the Joint Powers Agreement.

b. A quorum shall be required for the conduct of any business of
a committee. No business shall be conducted by a committee without a quorum. All decisions by a committee shall be by simple majority of the quorum.

c. A simple majority of the appointed members of a committee shall constitute a quorum.

Section 2

Parliamentary procedure at all meetings shall be governed by Roberts Rules of Order, Newly Revised, except as otherwise modified by the Joint Power Agreement of these Bylaws.

Section 3

The Secretary shall forward written notice of the meetings of the Board of Directors, stating the time, location, and the agenda of business to each Member and Ex-officio Agency and to the respective members and alternates of the Board of Directors not less than ten days prior to meetings.

An item may be added to the agenda by the process described in Government Code §54954.2.

Upon finding that an item requiring immediate action by the Board of Directors has arisen within 48 hours preceding a Board meeting, then upon unanimous vote of all members present, the Board of Directors may act upon such item.

Section 4

The Board of Directors and committees shall meet according to the following schedule.

a. The Board of Directors shall meet quarterly and shall hold its meetings in conjunction with regularly scheduled SANDAG meetings. An annual regular meeting shall be held during the month of June. Special and emergency meetings may be called on shorter notice in accordance with Government Code §54956 and §54956.5.

b. The Management Committee meetings shall be at least quarterly or whenever called by its Chairperson. The Chairperson of the Management Committee shall notify the members of the Management Committee of any such scheduled meetings at least five days prior to the scheduled date of the meeting. Upon a finding by the Chairperson that an item has arisen that requires immediate action, he/she may call a meeting on 48 hours prior notice.

c. Other standing committees and ad hoc specialized subcommittees shall meet whenever called by their respective chairpersons.
ARTICLE IV
OFFICERS AND THEIR DUTIES

Section 1

The Board of Directors, and other standing committees shall have
as elected officers a chairperson and vice chairperson, who are
members or alternates of their respective Board or committees. The
Chairperson and Vice Chairperson of the Management Committee shall
be selected by the Board of Directors. The Chief Executive Officer
shall be the Secretary of the Board and each standing committee.

a. The Chairperson shall preside over Board and committee
meetings, and have general supervision of Board and committee
affairs. He/she shall sign all official documents when
directed to do so by the Board and committees.

b. The Vice Chairperson shall perform the duties of the
Chairperson in his/her absence and perform any duties that the
Chairperson may require.

c. In the event of the absence of both officers of the Board of
Directors, Management Committee, or other standing committee,
the quorum of members present shall elect a chairperson pro
tempore to preside for that meeting. The Secretary, with a
quorum present, shall call the meeting to order and preside
during such election of chairperson pro tempore; he/she shall
immediately relinquish the chair upon completion of the
election.

Section 2

Election of officers of the Board of Directors shall be held at the
discretion of the Board.

Officers for the Board of Directors shall be elected in the
following manner:

a. Nominations for any office may be made by Board members at the
meeting.

b. The officers shall be elected by a majority of the votes of
those Board members present.

c. All officers shall be elected for a term of one year and shall
serve until their successors are elected. They shall begin
their term of office at the close of the annual June meeting.
d. In the event that the Board member who has been elected Chairperson or Vice Chairperson is no longer a member of the Board of Directors, the office shall be considered vacant.

e. Any vacated office of Chairperson or Vice Chairperson shall be filled at the next regular Board meeting by nominations from the floor, and a majority of votes from the members present.

Section 3

a. The Chief Executive Officer will be responsible to the ARJIS Board of Directors as set out in the Administrative Manual for the administration of the ARJIS program, including: (1) development of program objectives, definition, direction and priorities; (2) general management of ARJIS program and coordination of staff and support services; (3) the development of financial support programs for ARJIS activities; (4) the recommendation and submission of an annual ARJIS program budget to the Board of Directors; and (5) execution of the adopted personnel, purchasing, and budgetary systems. The Chief Executive Officer shall perform such other and additional duties as is necessary to carry out the objectives and function of ARJIS and as directed by the Board of Directors.

b. Any additional staff support services provided by member agencies and other shall be coordinated by the Chief Executive Officer.

c. The Chief Executive Officer is hereby enabled to promulgate an administrative manual, for adoption by the Board of Directors, governing the administrative procedures of the Agency.

Section 4

a. The Board of Directors shall contract with the San Diego Data Processing Corporation or other appropriate agency to provide the following: (1) necessary data processing services which may include, but are not limited to, the acquisition and maintenance of the hardware and software and providing the personnel necessary to perform the data processing services for ARJIS, and support the development of new data processing applications; (2) punched card services; (3) data entry services; (4) application system and programming services; (5) data base design services; (6) software systems programming services; (7) word processing services.
ARTICLE V
RELATIONSHIPS AND RULES OF PROCEDURE

Section 1

a. The function of the Budget and Program Review Committee shall be to review and make recommendations to the Board of Directors on the adoption of the budget and work program.

b. The functions of the Management Committee at the direction of the Board of Directors shall be to: (1) make recommendations to expedite the ARJIS program and objectives; (2) provide ongoing technical review of the program; (3) at the discretion of the Management Committee, participate in the joint review of subcommittee recommendations on significant issues requiring Board action; and (4) perform such other functions and exercise such other responsibilities as may from time to time be delegated by the Board of Directors.

c. The function of the Users Committee at the direction of the Board of Directors shall be to advise and make recommendations to the Management Committee and the Board on the operation of the system.

ARTICLE VI
AMENDMENTS

Section 1

The Board of Directors shall be responsible for making all amendments to these Bylaws.

a. Proposed amendments may be originated by the Board of Directors, the Management Committee, or any member of the Board of Directors.

b. Each proposed amendment shall be considered by the Board of Directors and a copy thereof forwarded by the Secretary to the official representative of each Member and Ex-officio Agency, his/her alternative and the Agency itself, at least 15 days prior to the meeting at which such proposed amendment will be voted upon.

c. Amendment to these Bylaws shall require the vote of a majority of the Member Agencies which also represent at least 51% of the weighted vote of the Member Agencies.

Adopted 12/90
Amended 7/90