



Agenda Date: 12/19/2006
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NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Britt Ferguson for Nancy Watt - County Executive Officer
County Executive Office
REPORT BY: Andrew Carey, Management Analyst, 253-4477
SUBJECT: Amendment No. 6 to Joint Powers Agreement No. 3061 (Napa County Transportation Planning Agency)

RECOMMENDATION

County Executive Officer requests discussion, possible direction, and possible action concerning the proposed Amendment No. 6 to the Napa County Transportation Planning Agency (NCTPA) Joint Powers Agreement No. 3061, expanding NCTPA's scope of advisory duties, amending the composition and voting powers of NCTPA's governing board, changing NCTPA's name to the Napa County Transportation and Planning Agency, and making other technical amendments to the agreement.

EXECUTIVE SUMMARY

NCTPA has been in existence under the authority of a Joint Powers Agreement (JPA) since September 1991. The JPA has been amended 5 times in the intervening years to address the changing needs of the agency. On November 15, 2006, the NCTPA Board unanimously recommended to its member jurisdictions Amendment No. 6 to the JPA.

Approval of and execution of Amendment No. 6, as recommended by the NCTPA Board, by each member agency's governing body would expand NCTPA's scope of advisory duties, amend the composition and voting powers of NCTPA's governing board, change NCTPA's name to the Napa County Transportation and Planning Agency, and make other technical amendments to the agreement. The history of the JPA and the details of the proposed amendment are discussed in greater detail in the background section of this staff report.

Although Amendment No. 6 was recommended to its member jurisdictions by the NCTPA Board, there has been discussion among city staffs concerning possible revisions to the language in Amendment No. 6. Because, at the time this agenda item was prepared, County staff was not clear what the position of all of the cities will be, Amendment No. 6 is being submitted for discussion, possible direction and possible action by the Board.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION**BACKGROUND CONCERNING NCTPA FORMATION AND PREVIOUS AMENDMENTS TO THE JOINT POWERS AGREEMENT**

NCTPA has been in existence under the authority of a JPA since September 1991, although it was first formed as the Napa County Congestion Management Agency (CMA) pursuant to Government Code sections 65088 - 65089.10. At its inception, the JPA included the cities of Calistoga, Napa, St. Helena, the Town of Yountville, and the County of Napa. In 1992, Amendment No. 1 to the JPA added the City of American Canyon and revised the voting powers of the participating agencies. Amendments No. 2 and No. 3 expanded the agency's scope to include "other transportation related duties and responsibilities" and included provisions concerning the JPA's technical advisory committee and the establishment of level of service standards.

The JPA was materially amended in July 1998 (Amendment No. 4) to exercise the participating agencies' option to elect exemption from the Congestion Management statutes while retaining the option to continue coordinated transportation planning activities. At this time the name of the JPA was changed to the Napa County Transportation Planning Agency. Amendment No. 4 to the JPA also contained provisions concerning the organization of NCTPA (composition, voting powers, and advisory committees), identified NCTPA's powers, and made provisions for administration and staffing of the agency.

Amendment No. 4 stated that the purpose of NCTPA is to "serve as the countywide transportation planning body for the incorporated and unincorporated areas within Napa County, for the purpose of conducting in a coordinated and more simplified way countywide transportation policy development and planning activities, including those relating to transit on both a short-term and long-term basis and within an intermodal policy framework; improving transit services; providing coordinated and more competitive input to the region's transportation planning and funding programs; and performing such other transportation related duties and responsibilities as the member Jurisdictions may delegate to NCTPA ..."

The JPA was amended one more time in March 2001. Amendment No. 5 provided technical amendments to the agreement concerning transfer of Transportation Development Act funds to NCTPA for distribution for transit uses.

PROPOSED AMENDMENT NO. 6 - BACKGROUND AND SUMMARY

In July 2006, the Napa Valley Transportation Authority (NVTA) unanimously recommended the NCTPA Board consider an amendment to the JPA that would expand the NCTPA Board to twelve Members.

In October 2006, the Napa County League Of Governments (NCLOG) Community Development Strategy (CDS) Task Force unanimously requested that the NCTPA Board consider an amendment to the JPA to include within the purview of NCTPA many of the issues that the CDS had been addressing, such as land use, tourism, economic

development, community development and arts and cultural issues. The same day, the NCLOG general assembly voted unanimously to support the CDS request for amendments to the JPA.

On November 15, 2006, the NCTPA Board unanimously recommended to its member jurisdictions Amendment No. 6 to the JPA, which incorporated the NCLOG and the NVTAs requests mentioned above. A summary of the major changes included in Amendment No. 6 is noted below:

1. Changes the name of the agency to the Napa County Transportation and Planning Agency.
2. Expands the NCTPA Board to twelve members, two from each Member Agency.
3. Doubles the votes from eleven to twenty-two for transportation related items only, but does not change the relative voting power of the current NCTPA Board for those transportation related votes.
4. Includes a provision that the member city Mayors and the Chair of the Napa County Board of Supervisors shall be members of the NCTPA Board.
5. Includes a provision that the County's representative to the Metropolitan Transportation Commission shall be one of the County's two NCTPA Board Members.
6. Makes several technical changes, including the address for American Canyon, the elimination of verbiage relating to the change from the CMA to the NCTPA, and some numerical changes to the quorum requirements related to the expanded membership numbers.
7. Changes the duties of NCTPA to add the discussion forum activities from NCLOG's CDS. In essence, the NCTPA governing board would be authorized to "act as a countywide advisory deliberative body on issues of land use, demographics, economic development, community development, arts and related cultural issues." Any such deliberations would be "advisory recommendations only ... not be binding on any Member Jurisdiction."
8. Sets the voting powers for those items dealing only with No. 7 above to "one person, one vote" as opposed to the voting strength of member jurisdictions as identified in No. 3 above for transportation related issues.

It is anticipated that the city of Calistoga will discuss the proposed amendment to the JPA on December 19, 2006. The Cities of St. Helena, Napa, Yountville and American Canyon are expected to consider the proposed amendment in January.

There has been some indication that one or more of the member cities may wish to add a global warming/environmental element to advisory issues the NCTPA Board may consider. Additionally, there has been discussion among city staff that Amendment No. 6 include a provision "that before a matter is [placed on the agenda] for discussion by the NCTPA an affirmation vote by 3/4ths of the voting members first occur to place the matter onto the agenda for the following regular meeting of the NCPTA." It was not clear at the time this staff report was submitted what response the other JPA member jurisdictions would have concerning whether to include the above mentioned issues in Amendment No. 6. Therefore, Amendment No. 6, as recommended by the NCPTA Board on November 15, 2006, is being submitted for discussion, possible direction, and possible action by your Board.

Amendment No. 4 to the JPA, which identifies the current NCTPA Board membership composition and voting powers has been attached to this report for reference. A draft of the proposed Amendment No. 6 to the JPA, as recommended by the NCTPA Board on November 15, 2006, has been attached to this staff report as well. A tracking version of the proposed Amendment No. 6 (comparing the recommended changes with existing JPA provisions) was not available for review because each previous amendment to the JPA has been a stand-alone amendment.

SUPPORTING DOCUMENTS

A . JPA Amendment No. 4

B . Proposed JPA Amendment No. 6

CEO Recommendation: Approve

Reviewed By: Maiko Klieman