



Agenda Date: 2/6/2007
Agenda Placement: 9B

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 approval of and authorization for the Chair to sign 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, 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 and Discussion section of this staff report.

On December 19, 2006, the Board of Supervisors discussed and gave conceptual agreement to the provisions of the proposed amendment. However, because there had been some discussion among the participating jurisdictions' staff members concerning possible revisions to the language in Amendment No. 6, the Board of Supervisors directed staff to consult with the other participating jurisdictions to clarify the amendment's language concerning issues related to NCTPA's role as an advisory board on non-transportation issues of common interest to the participating agencies. These staff discussions resulted in an agreement to add "environmental issues" as a topic for advisory discussion and confirmation of the requirement for a majority vote to place advisory issues on

the NCTPA agenda for discussion. The Background and Discussion section of this staff report contains information concerning the actions participating jurisdictions have taken concerning this most recent version of Amendment No. 6.

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 NVTA 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 from eight to twelve voting members, two from each member jurisdiction. The cities of Calistoga, St. Helena, American Canyon and the Town of Yountville will go from one to two voting members each, while the City of Napa and the County of Napa retain two voting members on the NCTPA Board. This increase in the number of voting members does not change the relative voting power of the current NCTPA Board for transportation related votes. (See No. 3 immediately below for discussion of voting power on transportation related issues and No. 8 below for voting power on "advisory" issues.)
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 transportation related votes. The cities of American Canyon, Calistoga, St. Helena and the Town of Yountville will have two votes (one vote for each member) - previously each of these cities had one vote. The County of Napa will have four votes (two for each member) - previously the County had two votes, while the City of Napa will have ten votes (six for one member and four for the other, with the allocation to each member to be decided by the City of Napa) - previously the City of Napa had five 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, environmental issues, arts and related cultural issues." Any such deliberations would be "advisory recommendations only ... [and] shall 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, and requires a majority vote to place such issues on the NCTPA agenda. In essence, each jurisdiction will have two votes on advisory issues, with each voting member being able to cast one vote only.

On December 19, 2006, the Board of Supervisors discussed and gave conceptual agreement to the provisions of the proposed amendment. However, because there had been some discussion among the participating jurisdictions' staff members concerning possible revisions to the language in Amendment No. 6, the Board of Supervisors directed staff to consult with the other participating jurisdictions to clarify the amendment's language concerning issues related to NCTPA's role as an advisory board on non-transportation issues of common interest to the participating agencies. These staff discussions resulted in an agreement to add "environmental issues" as a topic for advisory discussion and confirmation of the requirement for a majority vote to place advisory issues on

the NCTPA agenda for discussion.

In January 2007, the NCTPA Board endorsed the revised Amendment No. 6 and recommended adoption of the amendment to the member jurisdictions. All member jurisdictions must approve the amendment before it can take effect.

In January 2007, the cities of Calistoga, Napa, and St Helena approved the revised Amendment No. 6 and authorized its execution. The Town of Yountville gave approval in January 2007 to the revised Amendment No. 6, but has not specifically authorized execution of the amendment, pending a final determination of how all the other participating agencies intend act concerning the revised Amendment No. 6.

On December 21, 2006, the American Canyon City Council gave conceptual approval of the previous version of Amendment No. 6, with several recommended modifications concerning discussion of "advisory" issues. With the exception of a provision requiring that "Items referred will not fall under other duly appointed entities, or jurisdictions e.g. LAFCO, Water Resource, etc.", the provisions recommended by the American Canyon City Council are included in the version of Amendment No. 6 that is before the Board of Supervisors today. It was not known at the time this report was prepared when the City of American Canyon will next consider Amendment No. 6 or whether the City Council will approve the current version of Amendment No. 6. However, given the endorsement of the current version of Amendment No. 6 by all the other participating jurisdictions, it is anticipated that the current version will be the final version of the amendment. Therefore, staff is recommending moving forward with approval and authorization for the chair to sign the current version of Amendment No. 6 to the NCTPA JPA.

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 tracking version and a clean version of the proposed Amendment No. 6 to the JPA has been attached to this staff report as well. An excerpt from the minutes concerning this issue from the December 19th American Canyon City Council meeting has been attached for reference.

SUPPORTING DOCUMENTS

- A . Amendment No. 4 to JPA
- B . Amendmet No. 6 to JPA, tracking version
- C . Amendment No. 6 to JPA, clean version
- D . Excerpt from Dec 19, 2006 American Canyon City Council meeting

CEO Recommendation: Approve

Reviewed By: Andrew Carey