

DEPARTMENT: Administration & Co. Counsel BY: Janet Hogan & Jeff Green

**RECOMMENDED ACTION AND JUSTIFICATION:**

(Policy Item: Yes \_\_\_ No )

Approve and authorize the Board Chair to execute a joint powers agreement establishing the Yosemite Area Regional Transportation System Authority in order to plan, establish and manage a regional transit system.

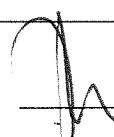
The proposed joint powers agreement (JPA) was developed by a committee of YARTS Board members and staff along with consultants experienced with joint powers authority law. The YARTS Technical and Citizens Advisory Committee, the YARTS Board, and staff from each of the initial member counties have reviewed it. Supervisor Bob Stewart and Senior Planner Jay Pawlek actively participated with the development committee. County Counsel Jeff Green and CAO Janet Hogan have reviewed and commented on the agreement.

Approval of the JPA establishes the Yosemite Area Regional Transportation System Authority as a distinct legal entity for the purpose of testing and possibly permanently establishing a regional transit system. The JPA outlines the purpose of the Authority, its powers and limits on its powers, procedures for adding members or for withdrawal of members, budget development and approval procedures, and how assets and/or debts will be divided should the JPA be dissolved. A key provision is the requirement that the Authority and the National Park Service enter in to a cooperative agreement within 30 days of the creation of the Authority. This provision is included because the Park Service may not legally enter in to a joint powers agreement with local governments, but they may develop cooperative agreements. A draft of the cooperative agreement between the Authority and the Park Service is attached following the JPA.

Once the Authority is established, the Yosemite Area Regional Transportation Strategy (YARTS) will cease to function.

**LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Participation in the JPA is voluntary.

<b>COSTS:</b> ( <input checked="" type="checkbox"/> ) Not Applicable A. Budgeted Current FY \$ B. Total Anticipated Costs \$ C. Required Additional Funding \$ D. Internal Transfers \$ <b>SOURCE:</b> ( ) 4/5ths Vote Required \$ A. Unanticipated Revenues \$ B. Reserve for Contingencies \$ C. Source Description: _____ Balance in Reserve for Contingencies ,if approved: _____		<b>SPECIAL INSTRUCTIONS:</b> List the attachments and number the pages consecutively: Joint Powers Agreement Draft Cooperative Agreement
<b>CLERKS USE ONLY:</b> Res. No. <u>99-293</u> Ord. No. _____ Vote - Ayes: _____ Noes: _____ Absent: _____ Abstained: _____ ( ) Approved ( ) Denied <input checked="" type="checkbox"/> Minute Order Attached ( ) No Action Necessary The foregoing instrument is a correct copy of the original on file in this office Date: _____ ATTEST: _____ MARGIE WILLIAMS, Clerk of the Board County of Mariposa, State of California BY: _____ Deputy		<b>ADMINISTRATIVE OFFICER'S RECOMMENDATION:</b> This item on agenda as: <input checked="" type="checkbox"/> Recommended _____ Not Recommended _____ For Policy Determination _____ Submitted with Comment _____ Returned for Further Action Comment: _____ _____ CAO's Initials: 



# COUNTY of MARIPOSA

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<b>BOB PICKARD, CHAIRMAN</b>	<b>DISTRICT V</b>
<b>GARRY R. PARKER, VICE-CHAIRMAN</b>	<b>DISTRICT IV</b>
<b>PATTI A. REILLY</b>	<b>DISTRICT I</b>
<b>DOUG BALMAIN</b>	<b>DISTRICT II</b>
<b>ROBERT C. STEWART</b>	<b>DISTRICT III</b>

## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: JANET HOGAN, County Administrative Officer  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: JPA Establishing the Yosemite Area Regional Transportation System Authority; Res. 99-293

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on September 21, 1999

#### ACTION AND VOTE:

B) Approval of Joint Powers Agreement Establishing the Yosemite Area Regional Transportation System Authority in Order to Plan, Establish and Manage a Regional Transit System

**BOARD ACTION:** Jeff Green, County Counsel, stated he and the County Administrative Officer have reviewed the Joint Powers Agreement (JPA) and they feel it covers all of the issues that they were concerned with, and they recommend adoption.

Input from the public was provided by the following:

Erik Bruun stated they are opposed to the concept of YARTS, and therefore, the JPA. He feels it is an external solution to an internal problem. He expressed concern with bus pollution, use of tax dollars, and stated he feels it will not be efficient. He presented information on the proposed busing and environmental concerns with the diesel fuel. He posed several questions relative to funding and Park Service participation, etc.

Louis Aceto commented on the requirement for the Park Service to enter into a Cooperative Agreement within thirty days, and stated he feels this agreement is invalid due to Judge Ishii's ruling that the Park Service cannot proceed with any other project pending completion of the environmental work on the Merced River plan. He expressed concern with legal liability for the County.

Barbara Taylor referred to County Counsel's memo to the Board and the California Government Code, Section 6547, and expressed concern with the authority and conditions contained in the Code section. In regard to the JPA, she stated she does not feel that the boundary is contiguous for Mono County as required by the JPA; she feels the gateway communities of five counties should be changed to three counties to represent those that are still in the YARTS process; and she feels reference to Highway 41 should be changed to Wawona Road. She also stated she feels the Cooperative Agreement should be changed to reflect three versus five counties. She referred to her letter to the Board, and she stated she feels the Code section should be attached to the agreement. She urged the Board to vote against the JPA.

Ron Young, Fish Camp resident, stated he feels the JPA is putting the citizens of the County in hock, and the law prevents that. He read his letter to the Board into the record, and stated he feels the Board should not approve the JPA.

Discussion was held relative to the issues raised. Jeff Green stated he feels the input from the public referencing the Code section is mis-stated – it only gives authority to issue bonds if that is specifically approved by each party to the agreement. Supervisor Balmain expressed concern that Highway 132 is not included, with the wording in the Statement of Purpose; and with the allocation of costs upon dissolution of the JPA. Supervisor Pickard stated he does not see any reason for a full JPA for the demonstration project.

(M)Stewart, (S)Reilly, Res. 99-293 adopted approving the JPA with the following changes: section 1.D - delete “five” and add Highway 132 and 41 corridor; section 2.B – delete this section; and section 2.E – add “... that do not degrade the visitor experience or the natural resources in the region.”/Ayes: Reilly, Balmain, Stewart, Parker; Abstained: Pickard.

cc: Ken Hawkins, Auditor  
Sarah Williams, Interim Planning Director  
Jeffrey G. Green, County Counsel  
File