

COUNCIL AGENDA: DECEMBER 2, 2014

SUBJECT: REPRESENTATION BY ELECTED OFFICIAL FOR PROVIDERS OF PUBLIC TRANSIT

SOURCE: Public Works Department - Engineering Division

COMMENT: The President's "Moving Ahead for Progress in the 21<sup>st</sup> Century" (MAP-21) requires that each Transportation Management Area (TMA) have an elected representative from each agency that offers transit service.

Amendment 3, attached herein for Council's review and approval, modifies the existing Joint Powers Agreement (JPA) to include the appropriate language supporting the position of a Public Transit Representative. In Tulare County, the Tulare County Association of Governments (TCAG) has been designated as the TMA. The Cities of Porterville, Tulare, Visalia and the County are the only agencies in the county that offer transit service.

At the November 19, 2014, the Council of Cities appointed Councilman Cameron Hamilton to serve as the Public Transit Representative. The Public Transit Representative will represent the City of Porterville for a term of three years.

The composition of the governing board will consist of:

- a) The 5 members of the Board of Supervisors.
- b) One Councilmember from each City, which is a party to this agreement appointed by the City Council of such respective Cities.
- c) Three residents, over the age of 18, of the County to be appointed by a majority vote of the other members of the governing board.
- d) One representative, to be appointed by the Tulare County Council of Cities to serve as a representative from a provider of public transit in accordance with 23 U.S.C. as amended by MAP-21 for a three year term.

RECOMMENDATION: That the City Council:

- 1. Approve Amendment 3 to the Tulare County Association of Governments Joint Powers Agreement, which amends Paragraph 6 of the Agreement adding

Dir BGN Appropriated/Funded N/A CM [Signature] Item No. 9

Section d) to read as follows: "One representative, to be appointed by the Tulare Council of Cities to serve as a representative from a provider of public transit in accordance with 23 U.S.C. as amended by MAP-21 for a three year term".

ATTACHMENT: Amendment 3 Joint Powers Agreement

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## MEMORANDUM

**To:** TCAG Member Agencies  
**From:** Ted Smalley, Executive Director  
**Date:** October 31, 2014  
**Subject:** TCAG Joint Powers Agreement (JPA) Amendment Three

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Attached for your consideration is Amendment Three to the Tulare County Association of Governments' (TCAG) Joint Powers Agreement (JPA). The TCAG governing board has taken action to circulate this amendment to your respective agency for approval.

The amendment would allow a change to the TCAG Board composition to meet the requirement for a transit representative to serve on the TCAG Board. On September 15, 2014, the TCAG Board took action to support the Federal Transit Administration and the Federal Highway Administration issued joint guidance for implementing the policy for Moving Ahead for Progress in the 21<sup>st</sup> Century (Map-21). This bill, which was signed into law, is a two-year transportation bill that outlines expenditures for planning and infrastructure and policies for implementation. One of the new provisions of MAP-21 requires representation by providers of public transportation in each Metropolitan Planning Organization (MPO) that serves as a Transportation Management Area (TMA). As of 2012 TCAG is now classified as a TMA.

Each city and the county must pass a resolution approving the JPA Amendment Three with no changes in order to authorize its execution. It is respectfully requested that the amendment is considered at your agency's earliest convenience. The goal set for action by all agencies is December 31, 2014. TCAG staff will be in touch with your agency regarding the item's approval on your agenda. When the JPA has been considered by all and is approved, staff will circulate copies for signature.

Please contact me with any questions, and thank you for your collaborative effort and support for transportation in Tulare County.

BEFORE THE  
TULARE COUNTY ASSOCIATION OF GOVERNMENTS  
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

APPROVING TCAG JOINT POWERS	)	Resolution No. 2014-163
AGREEMENT (JPA) AMENDMENT THREE	)	
FOR CIRCULATION TO MEMBER	)	
AGENCIES FOR THE PUROSE OF	)	
COMPLYING WITH THE MAP-21	)	
REQUIREMENT FOR REPRESENTATION	)	
BY PROVIDERS OF PUBLIC TRANSIT IN	)	
EACH METROPOLITAN ORGANIZATION	)	
(MPO) THAT SERVES AS A	)	
TRANSPORTATION MANAGEMENT AREA	)	
(TMA)	)	

WHEREAS, On July 6, 2012 President Obama signed Moving Ahead in the 21<sup>st</sup> Century (MAP-21), which is a two-year transportation bill that outlines expenditures for planning and infrastructure and policies for implementation ; and

WHEREAS, Map-21 includes a Requirement for Representation by Providers of Public Transit in each Metropolitan Planning Organization Board that serves a Transportation Management Area (TMA); and

WHEREAS, On June 2, 2014, the Federal Transit Administration and the Federal Highway Administration issued joint guidance for implementing the policy; and

WHEREAS, Tulare County Association of Governments (TCAG) is now classified as a Transportation Management Area (TMA); and

WHEREAS, the requirement involves changes to the Tulare County Association of Governments' (TCAG) board composition, and amendment to the TCAG Joint Powers Agreement (JPA) is necessary; and

WHEREAS, Tulare County Council of Cities recommended that the Council of Cities provide the nomination of an elected official from an agency providing transit services to fulfill the new position.

NOW, THEREFORE, BE IT RESOLVED that the Tulare County Association of Governments approves Joint Powers Agreement Amendment Number 3 for circulation to the member agencies for consideration in order to fulfill the Map-21 Requirement for Representation by Providers of Public Transit in each Metropolitan Planning Organization Board that serves a Transportation Management Area (TMA) as follows:

The proposed change to Section 6 (page 4) of the current JPA is as follows (change in bold and underlined):

- 6) The Association shall be administered by a governing board composed of the following members:
  - a) The five (5) members of the Board of Supervisors
  - b) One (1) Councilperson from each City which is a party to this Agreement, appointed by the City Councils of such respective Cities.
  - c) Three (3) residents, over the age of 18, of the County to be appointed by a majority vote of the other members of the governing board of the Association listed in subparagraphs (a) and (b) above at a meeting of the governing board.
  - d) **One (1) representative, to be appointed by the Tulare County Council of Cities to serve as a representative from a provider of public transit in accordance with 23 U.S.C. as amended by MAP-21 for a three year term.**

The foregoing Resolution was adopted upon motion of Member Vejvoda, seconded by Member Stammer, at a regular meeting held on the 15th day of September, 2014, by the following vote:

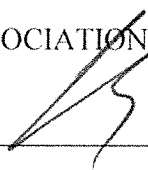
AYES: Boyer, Vander Poel, Cox, Worthley, Ennis, Smith, Allwardt, Gomez, Gurrola, Vejvoda, Link, Holscher, Stammer, Townsend

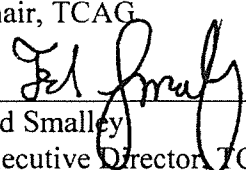
NOES:

ABSTAIN:

ABSENT: Kimball, Mendoza

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

  
\_\_\_\_\_  
Phil Cox  
Chair, TCAG

  
\_\_\_\_\_  
Ted Smalley  
Executive Director, TCAG

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AMENDMENT THREE TO THE  
TULARE COUNTY ASSOCIATION OF GOVERNMENTS  
JOINT POWERS AGREEMENT

THIS AGREEMENT, dated for convenience as of this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the COUNTY OF TULARE, hereinafter referred to as the “County,” and the CITIES OF DINUBA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA, and WOODLAKE, or so many of said Cities as have executed this Agreement, hereinafter collectively referred to as the “Cities”;

WITNESSETH:

WHEREAS, THE Tulare County Association of Governments, hereinafter referred to as the “Association,” will be a separate entity from the County; and

WHEREAS, as of the 4<sup>th</sup> day of May, 1971, the County and the Cities executed an Agreement (Tulare County Agreement No. 6460) which established the Association, and set forth the powers and duties of the Association; and

WHEREAS, the Joint Powers Agreement has been amended from time to time; and

WHEREAS, the Association incorporate subsequent amendments to the original Agreement entered into on the 4<sup>th</sup> day of May, 1971 and make changes to the Agreement to reflect current practices and terminology on the 15<sup>th</sup> day of June, 2010 (Tulare County Agreement No. 24583); and

WHEREAS, the Association amended said Agreement to comply with Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) Requirement for Representation by Providers of Public Transit in each Metropolitan Planning Organization Board that serves a Transportation Management Area (TMA)

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NOW, THEREFORE, BE IT AGREED as follows:

(1) Paragraph (6) of said Agreement is hereby amended by adding thereto subparagraph to read as follows:

- 6) The Association shall be administered by a governing board composed of the following members:
  - a) The five (5) members of the Board of Supervisors
  - b) One (1) Councilperson from each City which is a party to this Agreement, appointed by the City Councils of such respective Cities.
  - c) Three (3) residents, over the age of 18, of the County to be appointed by a majority vote of the other members of the governing board of the Association listed in subparagraphs (a) and (b) above at a meeting of the governing board.
  - d) **One (1) representative, to be appointed by the Tulare County Council of Cities to serve as a representative from a provider of public transit in accordance with 23 U.S.C. as amended by MAP-21 for a three year term.**

(2) Except as expressly provided herein, all other terms and conditions of the Joint Powers Agreement and the Amendments thereto shall remain in full force and effect.

(3) The County and Cities hereby agree that this Amendment Agreement may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute the same Agreement. Notwithstanding the forgoing, the Parties hereby agree that duplicate originals shall be executed so each party may retain a fully executed counterpart of this Amendment Agreement.

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1 IN WITNESS WHEREOF, the parties hereto have caused this Amendment Agreement to be  
2 executed as of the day and year first above written pursuant to resolutions of the governing  
3 bodies of the respective parties, duly adopted, authorizing such execution.  
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5 ATTEST: Jean M. Rousseau  
6 County Administrative Officer  
7 Clerk, Board of Supervisors

COUNTY OF TULARE

By \_\_\_\_\_  
Chairman, Board of Supervisors

9 By \_\_\_\_\_  
10 Deputy

11  
12 Approved as to Form  
13 County Counsel

14  
15 By \_\_\_\_\_

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17 ATTEST:

CITY OF DINUBA

18  
19 By \_\_\_\_\_  
20 City Clerk

By \_\_\_\_\_  
Mayor

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22 ATTEST:

CITY OF EXETER

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24 By \_\_\_\_\_  
25 City Clerk

By \_\_\_\_\_  
Mayor



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ATTEST:

CITY OF FARMERSVILLE

By \_\_\_\_\_

By \_\_\_\_\_

City Clerk

Mayor

ATTEST:

CITY OF LINDSAY

By \_\_\_\_\_

By \_\_\_\_\_

City Clerk

Mayor

ATTEST:

CITY OF PORTERVILLE

By \_\_\_\_\_

By \_\_\_\_\_

City Clerk

Mayor

ATTEST:

CITY OF TULARE

By \_\_\_\_\_

By \_\_\_\_\_

City Clerk

Mayor

ATTEST:

CITY OF VISALIA

By \_\_\_\_\_

By \_\_\_\_\_

City Clerk

Mayor

ATTEST:

CITY OF WOODLAKE

By \_\_\_\_\_

By \_\_\_\_\_

City Clerk

Mayor