



RESOLUTION No. 17-235

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION WITHDRAWING FROM THE SIERRA PLANNING ORGANIZATION JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE COUNTIES OF EL DORADO, NEVADA, PLACER AND SIERRA FOR THE PURPOSE OF TERMINATING THE AGREEMENT AND THE SIERRA PLANNING ORGANIZATION

WHEREAS, on or about July 11, 1969, Nevada County entered into a Joint Exercise of Powers Agreement (“JPA”) with the counties of El Dorado, Placer and Sierra for the purpose of creating a Multi-County Joint Powers Agency (JPA) known as the Sierra Planning Organization; and

WHEREAS, the JPA subsequently created a separate 501(c)(4) non-profit corporation, originally known as the Sierra Economic Development District and subsequently renamed as the Sierra Economic Development Corporation (“SEDCorp”), and delegated all rights, liabilities and obligations regarding administration of the Economic Development District to SEDCorp; and

WHEREAS, on or about January 22, 1974, the JPA was amended to add certain cities located within the geographical boundaries of the member counties, including but not limited to the cities of Auburn, Grass Valley, and Placerville; and

WHEREAS, SEDCorp was subsequently designated by the Economic Development Administration as the Economic Development District (“District”) under the U.S. Department of Commerce’s Economic Development District Program; and

WHEREAS, SEDCorp is dissolving and has adopted a motion of intent to transfer the District’s contract with the U.S. Department of Commerce to the Sierra Business Council (“SBC”), a private 501(c)(3) non-profit corporation; and

WHEREAS, the U.S. Department of Commerce supports the transfer of the District from SEDCorp to SBC and has expressed its willingness to approve the transfer of the District’s contract as proposed; and,

WHEREAS, the U.S. Department of Commerce has advised the Counties that the JPA is no longer recognized as the District and, therefore, is no longer necessary to serve as the District or to provide any other support to or administration of the District; and

WHEREAS, the counties of Nevada, El Dorado and Placer (collectively “the Counties”) now desire to terminate the JPA; and,

WHEREAS, Article VI – Termination of the Joint Exercise of Powers Agreement provides that “If at any time after the effective date of the agreement more than fifty per cent (50%) of the counties who are parties to this agreement have withdrawn”, the Agreement will terminate; and

WHEREAS, pursuant to Article VI, the Counties have proposed to concurrently withdraw from the JPA with the termination of the Joint Powers Agreement to be effectively immediately as of the date the last county adopts its resolution withdrawing from the Joint Exercise of Powers Agreement; and

WHEREAS, the Joint Powers Agency does not have any money or assets to be returned to any member agency as of the effective date of the termination.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors for the County of Nevada hereby finds and determines as follows:

1. That the above recitals are true and correct.
2. That the Joint Exercise of Powers Agreement for the Purpose of Creating a Multi-County Joint Powers Agency to coordinate all Areawide programs within the Counties of Nevada, Placer, El Dorado and Sierra, State of California for which Federal/State and other funds may be available, dated January 22, 1974, is no longer necessary for the purpose for which it was formed and no longer serves a public purpose.

BE IT FURTHER RESOLVED that the Board of Supervisors for the County of Nevada hereby withdraws from the Joint Exercise of Powers Agreement for the Purpose of Creating a Multi-County Joint Powers Agency to coordinate all Areawide programs within the Counties of Nevada, Placer, El Dorado and Sierra, State of California for which Federal/State and other funds may be available, dated January 22, 1974, effective immediately, that the 90 day notice of termination requirement in Article VI of said Agreement is hereby waived, and that the termination of the Joint Exercise of Powers Agreement shall be effective as of the date that the last of El Dorado, Placer and Nevada Counties adopts a resolution withdrawing from said Agreement.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 23rd day of May, 2017, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Hank Weston, Chair

5/23/2017 cc: COB*