



Item # 4
Resolution

RESOLUTION NO. 2012-25

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CAPITAL SOUTHEAST CONNECTOR AUTHORITY
TO ADDRESS CONCERNS RAISED BY EL DORADO COUNTY REGARDING THE JPA'S POWERS TO
INCUR FINANCIAL OBLIGATIONS AND EXERCISE ITS POWER OF EMINENT DOMAIN

WHEREAS, the JPA received a letter from El Dorado County on December 5, 2012, requesting that the JPA amend its Joint Exercise of Powers Agreement; and

WHEREAS, the JPA intends to enter into a mutually acceptable agreement with each member entity to address the concerns raised by El Dorado County; and

WHEREAS, given the timing of the letter provided by the County, staff did not have sufficient time to work with County staff to develop an agreement prior to the Board of Supervisor's December 18th meeting; and

WHEREAS, the JPA has requested a 60 to 90 day continuance from El Dorado County to address these issues, but has resolved to pass this Resolution in the interim to demonstrate the JPA's commitment to mutually address them; and

WHEREAS, the JPA has an obligation to act in an equitable manner with all of its member jurisdictions on all policy issues that could affect the JPA.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Capital SouthEast Connector Authority that:

- (1) The JPA will not exercise its power of eminent domain without the affected jurisdiction's policy board's consideration and concurrence; and
- (2) The JPA will not commit any member jurisdiction to a financial obligation without the prior consideration and concurrence of the affected entity's policy board; and
- (3) The member entity's consent to a financial obligation shall be obtained through an agreement approved by both the member entity's governing board and the Connector JPA; and
- (4) The JPA will take no steps to exercise the power of eminent domain or financially obligate a member entity prior to entering into the contemplated agreement

This Resolution shall take effect from and after the date of its passage and adoption.

PASSED AND ADOPTED this 14th day of December, 2012, by the following vote:


AYES: Knight, Nottoli, Hume, Sander, Starsky

NOES:

ABSENT:


Chairperson

ATTEST:


Secretary

2012 DEC 14 PM 2:50

BOARD OF SUPERVISORS
EL DORADO COUNTY