RECOMMENDED ACTION AND JUSTIFICATION:

Discussion and possible action relative to Mariposa County giving a notice of withdrawal from the Area 12 Agency on Aging Joint Powers Authority (JPA).

The action before the Board will be to give notice to the Area 12 Agency on Aging (Agency) that Mariposa County is providing notice of withdrawal from the Agency if on or before the February 2005 meeting of the Area 12 Agency on Aging JPA, Calaveras County has not either satisfactorily resolved the $53,000 owed the Agency by payment or other satisfactory compromise or given notice that it will withdraw from the Agency JPA. The action will also include that the satisfactory resolution of the $53,000 includes dismissal of the lawsuit filed by Calaveras County against the Area 12 Agency on Aging Joint Powers Authority.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Over the past few years the Area 12 Agency on Aging has experienced several difficulties, including being identified as an at-risk agency by the State of California. Additionally, Calaveras County was advanced $53,000 with the express understanding that their County would be taking action to reimburse the Agency. Calaveras’ failure to pay reduces the monies available for programs in the Area 12 Agency on Aging. Recently, Calaveras County filed suit against the Agency when the Agency attempted to act in accordance with the JPA Agreement to reduce programs in Calaveras County due to Calaveras’ failure to repay the $53,000 and Calaveras’ failure to timely make their annual administrative payment.

Should the Board decide to withdraw from the Agency, Notice must be given six (6) months prior to the end of the fiscal year. Therefore, action would be necessary before the end of December and notice must be transmitted to the Area 12 Agency on Aging according to the JPA Agreement no later than December 31, 2004.

Financial Impact?  ( ) Yes  ( ) No  Current FY Cost: $  
Budgeted In Current FY?  ( ) Yes  ( ) No  ( ) Partially Funded
Amount in Budget:  $  
Additional Funding Needed:  $  
Source:  
Internal Transfer  
Unanticipated Revenue  
Transfer Between Funds  
Contingency  
( ) General  ( ) Other

Annual Recurring Cost: $  
List Attachments, number pages consecutively

CLERK’S USE ONLY:
Vote - Ayes:  Noes:  
Absent:  
( ) Approved  
( ) 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

Revised Dec. 2002

COUNTY ADMINISTRATIVE OFFICER:  
Requested Action Recommended  
No Opinion  
Comments:  

CAO:  

(Handwritten Signature)
December 16, 2004

Peggy Lee, Executive Director
Area 12 Agency on Aging
13975 Mono Way, Suite E
Sonora, CA 95370-4705

Dear Ms. Lee:

The Mariposa Board of Supervisors acted on December 15, 2004 to provide notice of withdrawal from the Agency. Please accept this letter as notice that this matter is one on which I will not be advising the Agency. You should consult with the JPA Board as you feel is appropriate with respect to this matter and seek other legal representation as you and the Board determine is appropriate.

Pursuant to the Waiver Agreement, I will continue to advise as to unrelated matters.

Very truly yours,

[Signature]

Thomas P. Guarino
County Counsel

TPG/rs

cc: /Area 12 Agency on Aging JPA Board
December 16, 2004

Peggy Lee, Executive Director
Area 12 Agency on Aging
13975 Mono Way, Suite E
Sonora, CA 95370-4705

Dear Ms. Lee:

Please be advised that on December 15, 2004 the Board of Supervisors of Mariposa County voted to provide its six (6) months notice of terminating its participation in Area 12 Agency on Aging, pursuant to Article XI of the JPA Agreement.

Should Calaveras County not dismiss its lawsuit against the Area 12 Agency on Aging and satisfactorily resolve the $53,000 owed the Agency by payment or other satisfactory compromise or give notice that it will withdraw from the Agency on or before the February 2005 meeting of the Area 12 Agency on Aging JPA, Mariposa County’s participation in the Agency will cease pursuant to the terms of the JPA Agreement.

Mariposa County remains willing to discuss remaining with the Agency should the issues noted above be satisfactorily resolved.

Very truly yours,

Garry R. Parker, Chairman
Mariposa County Board of Supervisors

cc: Johanna Meyers, Team #3, California Dept. of Aging, Sacramento, CA 95814
✓ Area 12 Agency on Aging JPA Board
TO: BOB PICKARD, Board of Supervisors Chair
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: NOTICE OF WITHDRAWAL FROM AREA 12 AGENCY ON AGING JOINT POWERS AUTHORITY

Resolution No. 04-508

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on December 14, 2004

ACTION AND VOTE:

Chairman Parker advised that the meeting will be continued to Wednesday at 9:00 a.m., and that he would like to take the agenda item relative to the Area 12 Agency on Aging before the workshop on the General Plan, and then hold the continued closed sessions around 11:30 a.m. He also advised that he will not be present until later in the morning. The Board concurred with the schedule.

Discussion and Possible Action Relative to Mariposa County Giving a Notice of Withdrawal from the Area 12 Agency on Aging Joint Powers Authority (Supervisor Pickard)

BOARD ACTION: Matter was continued to Wednesday, December 15, 2004

cc: Rich Inman, County Administrative Officer
    Tom Guarino, County Counsel
    Mary Williams, Community Services Director
    File
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: BOB PICKARD, Board of Supervisors Chair

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: NOTICE OF WITHDRAWAL FROM THE AREA 12 AGENCY ON AGING
JOINT POWERS AUTHORITY

Resolution No. 04-528

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on December 15, 2004

ACTION AND VOTE:

Discussion and Possible Action Relative to Mariposa County Giving a Notice of Withdrawal from the Area 12 Agency on Aging Joint Powers Authority (Supervisor Pickard)

BOARD ACTION: Supervisor Pickard initiated discussion relative to the situation with the Joint Powers Authority (JPA). Tom Guarino, County Counsel, advised of his review of the JPA and the agreement; and he advised that there is a requirement for the County to give six months notice prior to the end of the fiscal year if it wants to withdraw from the JPA. He suggested that the Board could provide a written notice of the County’s intention to withdraw from the Agency if Calaveras County does not withdraw from the Agency and/or satisfactorily resolves the funding that it owes the Agency. He provided input on issues relative to the lawsuit; and he advised that he represents the Agency and has a waiver from the Agency to also represent Mariposa County in this matter. Discussion was held. Mary Williams, Community Services Director, responded to questions from the Board relative to the impact on the programs if the Board withdraws from the Agency. Supervisor Pickard mentioned a possible option of restructuring the Agency to be more viable. (M)Pickard, (S)Stetson, Res. 04-528 was adopted authorizing the Chairman to sign a letter to the JPA giving six months notice of the County’s intent to withdraw from the JPA if Calaveras County does not withdraw from the JPA and/or satisfactorily resolves the funding that it owes the JPA/Ayes: Stetson, Balmain, Bibby, Pickard; Excused: Parker.

cc: Rich Inman, County Administrative Officer
Tom Guarino, County Counsel
Mary Williams, Community Services Director
File
Peggy Lee, Executive Director
Area 12 Agency on Aging
13975 Mono Way, Suite E
Sonora, CA 95370-4705

Dear Peggy:

This letter is to confirm Mariposa County’s cancellation of its Notice of Withdrawal from the Area 12 Agency on Aging.

Very truly yours,

Bob Pickard, Chairman
Mariposa County Board of Supervisors