

THIRD AMENDMENT TO THE AGREEMENT ESTABLISHING JACKSON-TETON COUNTY JOINT POWERS TRANSIT SYSTEM

This Third Amendment to the Agreement Establishing Jackson-Teton County Joint Powers Transit System is made and entered into to be effective as of the 5th day of November, 2018, by and between the Town of Jackson, Wyoming, a Municipal Corporation of the State of Wyoming, hereinafter referred to as "Town", and Teton County, Wyoming, a duly organized county of the State of Wyoming, hereinafter referred to as "County."

WITNESSETH:

WHEREAS, The Town of Jackson and Teton County entered into an Agreement establishing the Jackson-Teton County Joint Powers Transit System ("JPA") on September 4, 2001; and

WHEREAS, a First Amendment to the JPA effective June 6, 2011 was made to reflect a financing split for sales tax distributions; and,

WHEREAS, a Second Amendment to the JPA effective on June 12, 2015 amended the JPA to reflect a change in the hiring, dismissal, and management of the Transit Director; and,

WHEREAS, the parties wish to further amend the JPA to clear up ambiguities on the role of elected officials and the delegation of authority to the START Board in connection with the method of operation, operating plan, budget, facilities, agents and employees of START.

NOW THEREFORE, it is hereby resolved by the Town and County in consideration of the foregoing and of the cooperation to be had between the parties and the performance of the promises contained herein, and the parties hereto agree as follows:

Paragraph 5. Delegation of Authority for Operation, Regulation, Control and Maintenance of Property, Facilities and Programs, shall be amended to change the title of the paragraph and to reflect a clarification on decisions affecting existing policy of the Parties.

Delegation of Authority for Operation, Regulation, Control and Maintenance of Property and Programs:

The Board is hereby delegated the authority to control, maintain, manage, operate and regulate the transit system described herein, whether individually or jointly owned, as well as all related equipment. Such authority specifically includes the routing and scheduling of bus services, establishing fares, advertising, and seasonal adjustments to bus services within the operating plan submitted by the Board with the Budget and approved by the Parties. Any significant changes or deviations that may affect the operating plan, broader public, existing policy or the approved Budget shall be approved by the Parties.

Paragraph 8 shall be amended to reflect clarification on the operating plan:

The fiscal year of the Board shall be July 1 to June 30th of each year. The Board shall prepare and submit its proposed budget, together with its proposed operating plan, to the Parties not later than the current budget deadline each year. The operating plan shall be sufficiently detailed to eliminate ambiguities with regard to the nature and extent of any management decisions, proposed capital projects or expenditures or personnel hiring. The operating plan shall also include any policy changes or deviations directed by both Parties that will affect the final Budget. The Board will provide the Parties with reports detailing its activities and expenditures on seasonal basis. Upon approval of a START budget by the Town and County, the Board shall not be required to seek subsequent approval of expenditures from these agencies so long as the Board does not exceed the approved Budget, except for internal operational expenditures. Notwithstanding the foregoing, the Board shall be required to comply with all applicable procurement procedures established by the Town.

Paragraph 9. Method of Operation, *paragraph 2*, shall be amended with the following that reflects a clarification on the day to day control, management, supervision, operation and regulation of the transit system:

Within the foregoing constraints, the day to day control, management (including special event management), supervision, operation and regulation of the transit system shall be under the administration of the Board. No *new* obligations to engage in the management, control, maintenance or supervision of property, facilities or programs that may significantly impact the broader public, the approved Budget or which deviates from existing policy may be delegated to the Board by the Town or County, or assumed by the Board, without the approval of both of the Parties. No capital projects may be undertaken and no unbudgeted capital expenditures may be incurred without the prior approval of both Parties.

Paragraph 10. Agents and Employees, *paragraph 1*, shall be amended with the following that reflects a change in the authority regarding contracts, which shall now read as follows:

The Board shall, in carrying out the purposes, duties and functions set forth herein, have the authority to contract with organizations providing services or funding needed to carry out the purposes of this Agreement within the approved Budget, operating plan and policies approved by the Parties for each year. All contracts with such organizations shall be approved, in advance, by the Town Attorney and County Attorney.

IN WITNESS WHEREOF, the undersigned have executed this agreement on the day and year indicated, but to be effective as of the day and year above written.

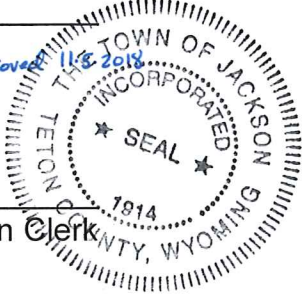
TOWN OF JACKSON, WYOMING

By: 
Pete Muldoon, Mayor

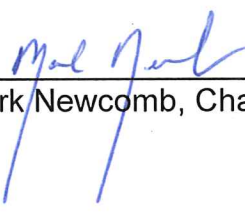
Approved 11-5-2018

11-14-2018
Dated

Attest:
By: 
Sandra P. Birdyshaw, Town Clerk



BOARD OF COUNTY COMMISSIONERS
OF TETON COUNTY, WYOMING

By: 
Mark Newcomb, Chair

Approved 11-5-2018

11-14-18
Dated

Attest:
By: 
Sherry L. Daigle, County Clerk

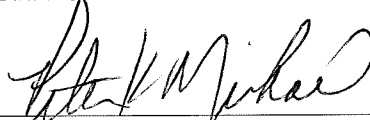


STATE OF WYOMING
OFFICE OF THE ATTORNEY GENERAL

In accordance with Wyo. Stat. § 16-1-105(a)(ii), the Wyoming Attorney General has reviewed the Third Amendment to the Agreement Establishing the Jackson-Teton County Joint Powers Transit System and determined that the Third Amendment is compatible with the laws and constitution of the State of Wyoming. The approval of the Third Amendment by the Attorney General is limited to the terms and conditions of the Third Amendment itself, and does not extend to any individual project or the financing of any individual project contemplated under the Third Amendment.

Approved this 5th day of December, 2018.

ATTORNEY GENERAL



Peter K. Michael