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RESOLUTION NO. 2010-17

**A RESOLUTION OF THE ALBANY CITY COUNCIL SUPPORTING THE
CREATION OF ALAMEDA COUNTY TRANSPORTATION
COMMISSION AND APPROVAL OF THE JOINT POWERS
AGREEMENT THEREFOR; APPROVAL OF AMENDMENT TO JOINT
POWERS AGREEMENT FOR THE ALAMEDA COUNTY CONGESTION
MANAGEMENT AGENCY**

WHEREAS, the Alameda County Congestion Management Agency (“CMA”) was created pursuant to California Government Code Section 65089;

WHEREAS, a joint powers agreement, dated February 20, 1991, defining the roles, purposes, objectives, responsibilities, powers and duties of the CMA (“CMA Agreement”) was approved and executed by the Alameda County Board of Supervisors and a majority of the cities representing a majority of the population in the incorporated area of Alameda County;

WHEREAS, the CMA Agreement was subsequently amended in 1991 and 1992 to modify the voting composition of the CMA Board and make certain other related changes, by actions taken by the Alameda County Board of Supervisors and a majority of the cities representing a majority of the population in the incorporated area of Alameda County;

WHEREAS, the CMA Board and the Board of the Alameda County Transportation Improvement Authority (“ACTIA”) have each approved the form of a Joint Powers Agreement dated for reference purposes only as of March 25, 2010 (“ACTC Agreement”) which will create, pursuant to the California Joint Exercise of Powers Act, a joint powers agency known as the Alameda County Transportation Commission (“ACTC”), a copy of which is attached to this Resolution as **Exhibit B**;

1
2 WHEREAS, ACTC is intended to have and to exercise all of the authority, powers and
3 rights of the CMA and ACTIA and certain additional powers as described in the ACTC
4 Agreement;

5
6 WHEREAS, CMA and ACTIA are required to continue in existence for the time being,
7 notwithstanding the fact that such agencies shall delegate their powers to ACTC, in part
8 to allow time for state statutes to be amended to reference ACTC rather than CMA and/or
9 ACTIA;

10
11 WHEREAS, the members of ACTC will be Alameda County, each of the 14 Cities
12 within the county, CMA, ACTIA, the Bay Area Rapid Transit District (“BART”) and the
13 Alameda-Contra Costa Transit District (“AC Transit”), and ACTC shall be a public entity
14 separate from such agencies and transit operators;

15
16 WHEREAS, the ACTC Agreement provides for the following voting members on the
17 ACTC board, subject to the requirement that only members of bodies who have paid or
18 allocated the fees set by the ACTC Board shall be entitled to be members of the ACTC
19 Board:

- 20
21 (i) Each member of the Alameda County Board of Supervisors who shall
22 each have one vote, except that at each ACTC Board meeting, the
23 Supervisor actually present at the meeting with the longest service on the
24 Board of Supervisors shall have two votes;
- 25 (ii) Two members representing the City of Oakland, with the member with the
26 longest service on ACTC (or previously on CMA or ACTIA) having three
27 votes and the other member having one vote;
- 28 (iii) One member representing the City of Fremont and one member
29 representing the City of Hayward, each of whom shall have two votes;

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(iv) Eleven members each representing one of the other 11 Cities in Alameda County, each of whom shall have one vote; and

(v) One representative of BART and one representative of AC Transit, each of whom shall have one vote;

WHEREAS, the Board of CMA and the Board of the Alameda County Transportation Improvement Authority (“ACTIA”) have recommended that Section 10.a. (“Board Organization”) of the CMA Agreement be amended to provide that representation on the CMA Board shall match the representation on the ACTC Board as described as (i)-(v) above, and have further recommended that the CMA Agreement be amended to provide that the CMA Board shall have the power to dissolve the CMA and designate ACTC as its successor when the CMA Board determines in its discretion that such dissolution is appropriate;

NOW THEREFORE, BE IT RESOLVED, that the City of Albany approves the ACTC Agreement attached hereto as **Exhibit B**, authorizes its representative to execute the same, and agrees to become a member of ACTC; and

BE IT FURTHER RESOLVED, that the City of Albany approves the amendment to the CMA Agreement accomplishing the revisions described above, which amendment is attached hereto as **Exhibit B**, and acknowledges that such amendment shall become effective upon the approval thereof by the Alameda County Board of Supervisors and a majority of the cities representing a majority of the population in the incorporated area of Alameda County.

Joanne Wile, MAYOR