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**RESOLUTION NO. 2010-45**

**A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING THE FILING  
OF AN APPLICATION FOR CONGESTION MITIGATION AND AIR QUALITY  
IMPROVEMENT (CMAQ) FUNDING AND COMMITTING THE NECESSARY  
NON-FEDERAL MATCH AND STATING THE ASSURANCE TO COMPLETE THE  
PROJECT**

**WHEREAS**, the City of Albany (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$1,702,000 in funding from the Congestion Mitigation and Air Quality Improvement (CMAQ) program for the Buchanan Bicycle and Pedestrian Path (herein referred to as PROJECT) for the MTC Resolution, No. 3925, New Federal Surface Transportation Act (FY 2009-10, FY 2010-11 and FY 2011-12) Cycle 1 STP/CMAQ Program: Project Selection Criteria, Policy, Procedures and Programming (herein referred to as PROGRAM); and

**WHEREAS**, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) authorized the Surface Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) through September 30, 2009; and

**WHEREAS**, SAFETEA has been extended through December 31, 2010 pursuant to Public Law 111-147, March 18, 2010 and may be subsequently extended pending enactment of successor legislation for continued funding; and

**WHEREAS**, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

1           **WHEREAS**, the Metropolitan Transportation Commission (MTC) is the MPO for the  
2 nine counties of the San Francisco Bay region; and

3  
4           **WHEREAS**, MTC has adopted a Regional Project Funding Delivery Policy (MTC  
5 Resolution No. 3606, revised) that sets out procedures governing the application and use of  
6 STP/CMAQ funds; and

7  
8           **WHEREAS**, APPLICANT is an eligible project sponsor for STP/CMAQ funds; and

9  
10           **WHEREAS**, as part of the application for STP/CMAQ funding, MTC requires a  
11 resolution adopted by the responsible implementing agency stating the following:

- 12           1) the commitment of necessary local matching funds of at least 11.47%; and  
13           2) that the sponsor understands that the STP/CMAQ funding is fixed at the programmed  
14           amount, and therefore any cost increase cannot be expected to be funded with additional  
15           STP/CMAQ funds; and  
16           3) that the project will comply with the procedures specified in Regional Project Funding  
17           Delivery Policy (MTC Resolution No. 3606, revised); and  
18           4) the assurance of the sponsor to complete the project as described in the application, and if  
19           approved, as included in MTC's TIP; and  
20           5) that the project will comply with all the project-specific requirements as set forth in the  
21           PROGRAM.; and  
22           6) that the project (transit only) will comply with MTC Resolution No. 3866, which sets forth  
23           the requirements of MTC's Transit Coordination Implementation Plan to more efficiently  
24           deliver transit projects in the region.

25           **NOW, THEREFORE, BE IT RESOLVED** that the APPLICANT is authorized  
26 to execute and file an application for funding for the PROJECT under the Surface Transportation  
27 Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) of  
28 SAFETEA, any extensions of SAFETEA or any successor legislation for continued funding ; and  
29 be it further

**RESOLVED** that the APPLICANT by adopting this resolution does hereby state that:

- 1           1. APPLICANT will provide \$ 521,100 in non-federal matching funds; and  
2           2. APPLICANT understands that the STP/CMAQ funding for the project is fixed at the  
3           MTC approved programmed amount, and that any cost increases must be funded by the  
4           APPLICANT from other funds, and that APPLICANT does not expect any cost

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increases to be funded with additional STP/CMAQ funding; and

3. APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
4. PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
5. APPLICANT (for a transit project only) agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and
6. APPLICANT and the PROJECT will comply with the requirements as set forth in the program; and therefore be it further

**RESOLVED** that APPLICANT is an eligible sponsor of STP/CMAQ funded projects; and be it further

**RESOLVED** that APPLICANT is authorized to submit an application for STP/CMAQ funds for the PROJECT; and be it further


**RESOLVED** that there is no legal impediment to APPLICANT making applications for the funds; and be it further

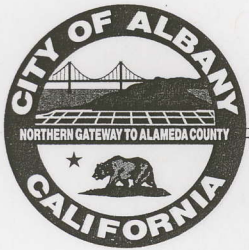
**RESOLVED** that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

**RESOLVED** that APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for STP/CMAQ funding for the PROJECT as referenced in this resolution; and be it further

**RESOLVED** that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

**RESOLVED** that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's TIP.

  
\_\_\_\_\_  
Joanne Wile, MAYOR



# City of Albany

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**CITY ADMINISTRATOR**  
PH. (510) 528-5710  
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**CITY ATTORNEY**  
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FAX (510) 526-9190

**CITY CLERK**  
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**CITY COUNCIL**  
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Childcare Program  
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- Senior Center  
PH. (510) 524-9122  
FAX (510) 524-8940
- Teen Center  
PH. (510) 525-0576

**RESOLUTION NO. 2010-45**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 7th day of September, 2010, by the following votes:

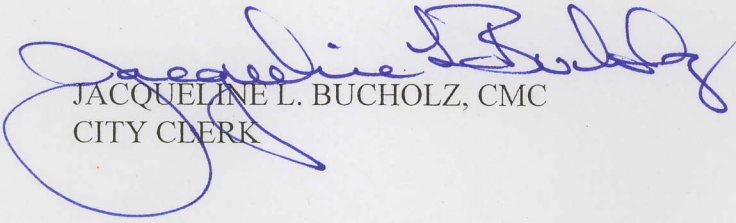
AYES: Council Members Atkinson, Javandel, Lieber, Thomsen & Mayor Wile

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 14th

day of September, 2010.

  
JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community, and providing a safe, healthy environment now and in the future.*



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