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RESOLUTION NO. 2010-49

A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING A PROJECT OPERATING AGREEMENT WITH THE EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY AND AUTHORIZING THE EXECUTION AND IMPLEMENTATION OF SAME

WHEREAS, the City of Albany is a member of the East Bay Regional Communications System Authority (the "**EBRCSA**"), a joint powers authority organized and existing under and by virtue of the laws of the State of California, [pursuant to a Joint Exercise of Powers Agreement dated as of September 11, 2007]; and

WHEREAS, the EBRCSA is authorized to acquire, plan, design, finance, construct, operate and maintain a P-25 compliant communications system serving Alameda and Contra Costa counties and individual political jurisdictions therein, including the City of Albany(the "**Project**"); and

WHEREAS, the EBRCSA intends to issue Revenue Bonds (the "**Bonds**") for the purpose of financing the acquisition, construction and operation of the Project, and will own and operate the Project for the benefit of its members and subscribers; and

WHEREAS, the Bonds are to be secured by a pledge of and first lien on annual payments by each member and subscriber for the service provided by the Project, to pay the principal of and interest on the Bonds; and

WHEREAS, the Operating Agreement [attached hereto] and on file with the City Clerk sets forth the terms and conditions of Service Payments and Operating Payments by the City of Albany for EBRCSA's acquisition, construction and operation of the Project for the benefit of its members and subscribers, including the City of Albany; and

WHEREAS, the Operating Agreement is intended to establish a means of providing Revenues for the Project, and is not in itself an approval of the Project; and

1 **WHEREAS**, execution of the Operating Agreement is in the best interest of the
2 City of Albany.

3 **NOW, THEREFORE, BE IT RESOLVED THAT** the Albany City Council
4 hereby: (1) approves the Operating Agreement in the form [attached hereto] on file with
5 the City Clerk; (2) authorizes its City Manager to execute the Operating Agreement; and
6 (3) authorizes its City Manager to execute such further documents and take such further
7 actions as may be necessary and appropriate to implement the intent of this Resolution
8 and which do not materially or substantially increase the City of Albany’s obligations
9 thereunder.

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11 _____
12 Joanne Wile
13 Mayor
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