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3 **RESOLUTION NO. 2010-49**

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

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

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

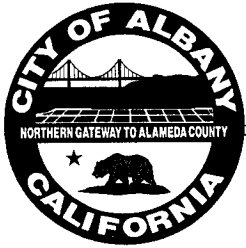
16 **WHEREAS**, the EBRCSA intends to issue Revenue Bonds (the "**Bonds**") for the
17 purpose of financing the acquisition, construction and operation of the Project, and will
18 own and operate the Project for the benefit of its members and subscribers; and

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

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

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

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City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

CITY ADMINISTRATOR
PH. (510) 528-5710
FAX (510) 528-5797

CITY ATTORNEY
PH. (510) 524-9205
FAX (510) 526-9190

CITY CLERK
PH. (510) 528-5720
FAX (510) 528-5797

CITY COUNCIL
PH. (510) 528-5720
FAX (510) 528-5797

COMMUNITY DEVELOPMENT & ENVIRONMENTAL RESOURCES

- Building
- Engineering
- Environmental Resources
- Maintenance
- Planning

PH. (510) 528-5760
FAX (510) 524-9359

FINANCE & ADMINISTRATIVE SERVICES

CITY TREASURER
PH. (510) 528-5740
FAX (510) 528-2743

FIRE & EMERGENCY MEDICAL SERVICES

PH. (510) 528-5771
FAX (510) 528-5774

PERSONNEL

PH. (510) 528-5714
FAX (510) 528-5797

POLICE

PH. (510) 525-7300
FAX (510) 525-1360

RECREATION & COMMUNITY SERVICES

1249 Marin Avenue
PH. (510) 524-9283
FAX (510) 528-8914

- Friendship Club/
Childcare Program
PH. (510) 524-0135
- Senior Center
PH. (510) 524-9122
FAX (510) 524-8940
- Teen Center
PH. (510) 525-0576

RESOLUTION NO. 2010-49

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

this 20th day of September, 2010, by the following votes:

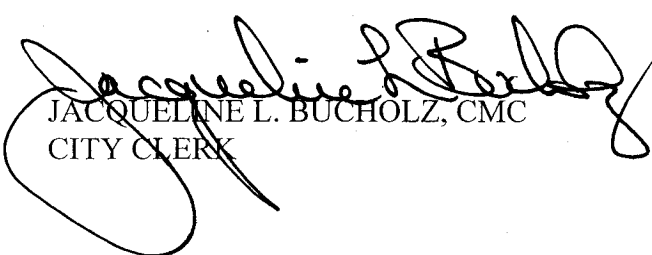
AYES: Council Members Atkinson, Javandel, Lieber, Thomsen & Mayor Wile

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 21st

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.

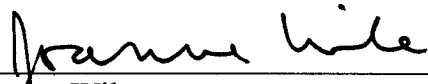


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WHEREAS, execution of the Operating Agreement is in the best interest of the City of Albany.

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



Joanne Wile
Mayor