

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

RESOLUTION NO. 2013-26

**A RESOLUTION OF THE ALBANY CITY COUNCIL FOR THE
METROPOLITAN TRANSPORTATION COMMISSION (MTC)
DISCRETIONARY FUNDING AUTHORIZING THE FILING OF AN
APPLICATION FOR FUNDING ASSIGNED TO MTC AND
COMMITTING THE NECESSARY MATCHING FUNDS AND STATING
THE ASSURANCE TO COMPLETE THE PROEJCT.**

WHEREAS, The City of Albany (herein referred to as “APPLICANT”)) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$149,000 in funding assigned to MTC for programming discretion, including but not limited to federal funding administered by the Federal Highway Administration (FHWA) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding and/or Transportation Alternatives (TA) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Santa Fe Avenue Pavement Rehabilitation (herein referred to as PROJECT) for the One Bay Area Grant (herein referred to as PROGRAM); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

WHEREAS, , state statutes, including California Streets and Highways Code 182.6 and 182.7 provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

1 **WHEREAS**, , pursuant to MAP-21, and any regulations promulgated
2 thereunder, eligible project sponsors wishing to receive federal funds for a project shall
3 submit an application first with the appropriate MPO for review and inclusion in the
4 MPO's Transportation Improvement Program (TIP); and
5

6 **WHEREAS**, MTC is the MPO and RTPA for the nine counties of the
7 San Francisco Bay region; and
8

9 **WHEREAS**, MTC has adopted a Regional Project Funding Delivery Policy
10 (MTC Resolution No. 3606, revised) that sets out procedures governing the application
11 and use of federal funds; and
12

13 **WHEREAS**, APPLICANT is an eligible sponsor for REGIONAL
14 DISCRETIONARY FUNDING; and
15

16 **WHEREAS**, as part of the application for REGIONAL DISCRETIONARY
17 FUNDING, MTC requires a resolution adopted by the responsible implementing agency
18 stating the following:
19

- 20 1. the commitment of any required matching funds of at least 11.47%; and
- 21 2. that the sponsor understands that the REGIONAL DISCRETIONARY
22 FUNDING is fixed at the programmed amount, and therefore any cost
23 increase cannot be expected to be funded with additional REGIONAL
24 DISCRETIONARY FUNDING; and
- 25 3. that the project will comply with the procedures, delivery milestones and
26 funding deadlines specified in the Regional Project Funding Delivery Policy
27 (MTC Resolution No. 3606, revised); and
- 28 4. the assurance of the sponsor to complete the project as described in the
29 application, and if approved, as included in MTC's federal Transportation
 Improvement Program (TIP); and
5. that the project will comply with all project-specific requirements as set forth
 in the PROGRAM; and

1 **NOW, THEREFORE, BE IT RESOLVED** that the APPLICANT is
2 authorized to execute and file an application for funding for the PROJECT for
3 REGIONAL DISCRETIONARY FUNDING under MAP-21 for continued funding; and
4 be it further
5

6 **RESOLVED** that the APPLICANT by adopting this resolution does hereby state
7 that:
8

- 9 6. APPLICANT will provide \$195,000 in matching funds; and
10 7. APPLICANT understands that the REGIONAL DISCRETIONARY
11 FUNDING for the project is fixed at the MTC approved programmed amount,
12 and that any cost increases must be funded by the APPLICANT from other
13 funds, and that APPLICANT does not expect any cost increases to be funded
14 with additional REGIONAL DISCRETIONARY FUNDING; and
15 8. APPLICANT understands the funding deadlines associated with these funds
16 and will comply with the provisions and requirements of the Regional Project
17 Funding Delivery Policy (MTC Resolution No. 3606, revised) and
18 APPLICANT has, and will retain the expertise, knowledge and resources
19 necessary to deliver federally-funded transportation projects, and has
20 assigned, and will maintain a single point of contact for all FHWA-funded
21 transportation projects to coordinate within the agency and with the respective
22 Congestion Management Agency (CMA), MTC, Caltrans and FHWA on all
23 communications, inquires or issues that may arise during the federal
24 programming and delivery process for all FHWA-funded transportation
25 projects implemented by APPLICANT; and
26 9. PROJECT will be implemented as described in the complete application and
27 in this resolution and, if approved, for the amount approved by MTC and
28 programmed in the federal TIP; and
29 10. APPLICANT and the PROJECT will comply with the requirements as set
 forth in MTC programming guidelines and project selection procedures for the
 PROGRAM; and therefore be it further

RESOLVED that APPLICANT is an eligible sponsor of REGIONAL
DISCRETIONARY FUNDING funded projects; and be it further

RESOLVED that APPLICANT is authorized to submit an application for
REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

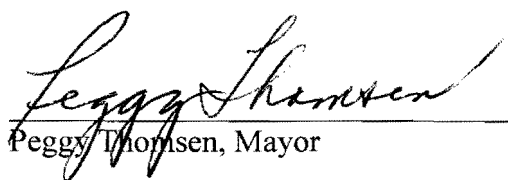
RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it further

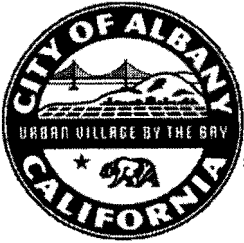
RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED that APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY 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 federal TIP.


Peggy Thomsen, Mayor



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2013-26

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

The 17th day of June, 2013, by the following votes:

AYES: Council Members Barnes, Maass, Vice Mayor Wile & Mayor Thomsen

NOES: none

ABSENT: Council Member Atkinson

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 18th
Day of June, 2013.

Eileen Harrington
DEPUTY CITY CLERK