

RESOLUTION NO. 10-25

A RESOLUTION OF THE MEMBERS OF THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY BOARD AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION PROGRAM AND/OR CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT FUNDING AND COMMITTING THE NECESSARY NON-FEDERAL MATCH AND STATING THE ASSURANCE TO COMPLETE THE NEVIN AVENUE STREET AND TRANSIT ACCESS IMPROVEMENTS PROJECT

WHEREAS, the Richmond Community Redevelopment Agency (“Agency”) is responsible for administering the Amended and Restated Redevelopment Plan (“Redevelopment Plan”) for the Richmond Merged Project Area, adopted by Ordinance No. 17-10 N.S., dated May 4, 2010, in accordance with the California Redevelopment Law; and

WHEREAS, the Redevelopment Plan authorizes Agency to cause the installation of streetscape and access improvements under the “Public Improvements” program area; and

WHEREAS, the Redevelopment Plan also authorizes Agency to utilize grant funds that may become available to implement the Redevelopment Plan.

WHEREAS, Agency is submitting an application to the Metropolitan Transportation Commission (MTC) for \$1,300,000 in funding from the federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) program for the Nevin Avenue Street and Access Improvement Project (“Project”) pursuant to 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* (“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 STP (23 U.S.C. § 133) and the 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

WHEREAS, MTC is the MPO for the nine counties of the San Francisco Bay region; and

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

WHEREAS, Agency is an eligible project sponsor for STP/CMAQ funds; and

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

- 1) the commitment of necessary local matching funds of at least 11.47%; and
- 2) that the sponsor understands that the STP/CMAQ funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional STP/CMAQ funds; and
- 3) that the project will comply with the procedures specified in Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and

- 4) the assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's TIP; and
- 5) that the project will comply with all the project-specific requirements as set forth in the Program; and

NOW, THEREFORE, BE IT RESOLVED that the Executive Director of the Agency is authorized to execute and file an application for funding for the Project under the STP and CMAQ of SAFETEA, any extensions of SAFETEA or any successor legislation for continued funding; and be it further

RESOLVED that Agency, by adopting this resolution does hereby state that:

1. Agency will provide \$286,750 in non-federal matching funds from other grant sources; and
2. Agency understands that the STP/CMAQ funding for the Project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the Agency from other funds, and that Agency does not expect any cost increases to be funded with additional STP/CMAQ funding; and
3. Agency 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. Agency and the Project will comply with the requirements as set forth in the program; and therefore be it further

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

RESOLVED that Agency 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 Agency 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 Project, or the ability of Agency to deliver the Project; and be it further

RESOLVED that Agency authorizes its Executive Director 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.

I certify that the foregoing resolution was passed and adopted by the Richmond Community Redevelopment Agency Board at a joint special meeting thereof held on October 5, 2010, by the following vote:

AYES: Boardmembes/Councilmembers Bates, Butt, Lopez, Rogers, Viramontes, Vice Chairperson/Vice Mayor Ritterman, and Chairperson/Mayor McLaughlin.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

DIANE HOLMES
Clerk of Redevelopment Agency

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Chairperson/Mayor

Approved as to Form:

RANDY RIDDLE
Agency Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 10-25**, finally passed and adopted by the Richmond Community Redevelopment Agency at a joint special meeting held on October 5, 2010.