

## RESOLUTION NO. 104-14

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR FUNDING OF FERRY SERVICE TO HERCULES BETWEEN THE CITY OF RICHMOND AND THE CITY OF HERCULES

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**WHEREAS**, on April 25, 2012, the City Council of the City of Richmond (the “City Council”) adopted the Richmond General Plan 2030 (the “General Plan”), which establishes the goals, policies and implementing actions for development of the City of Richmond; and

**WHEREAS**, Policy CR1.7 of the General Plan calls for the support of proposed ferry service to Richmond; and

**WHEREAS**, on November 2, 2004, Contra Costa County voters approved Measure J, which extended the one-half cent local transportation sales tax first established by Measure C in 1988 for another 25 years; and

**WHEREAS**, Measure J included an expenditure plan (the “Expenditure Plan”), which outlines how revenues from the transportation sales tax are to be spent; and

**WHEREAS**, the Expenditure Plan includes Program 22b for Ferry Service in West County (“Program 22b”), and specifies that 2.3% of Measure J revenues be used for:

*“...ferry service in West County from Richmond, and Hercules or Rodeo to San Francisco (with potential stops in-between). The funds may be used for capital improvements (landside improvements, parking, lighting, etc.), operating the service, transit feeder service, way-finder signs, and/or other components of ferry service to be determined by [the West Contra Costa Transportation Advisory Committee] and [WETA, as successor to the WTA], the agency authorized by the State to provide a comprehensive water transit system for the Bay Area ... funding priority should be given to routes that demonstrate long-term sustainability[;]”* and

**WHEREAS**, the City of Richmond wishes to advance the implementation of ferry service between Richmond and San Francisco (the “Richmond Ferry Service”) through the use of Program 22b funds for anticipated operating expenses of the Richmond Ferry Service; and

**WHEREAS**, the City of Hercules wishes to ensure that Program 22b funds are available for eligible uses identified in the Expenditure Plan for ferry service between Hercules and San Francisco (the “Hercules Ferry Service”); and

**WHEREAS**, an Agreement for Funding of Ferry Service to Hercules between the City of Richmond and the City of Hercules (the “Agreement”) has been prepared and provides for the apportionment of Program 22b funds between the Richmond Ferry Service and the Hercules Ferry Service; and

**WHEREAS**, the Agreement provides that the City of Richmond will provide funding to the City of Hercules for Hercules Ferry Service operations if Program 22b funds used for the Richmond Ferry Service exceed 50% of available Program 22b funds; and

**WHEREAS**, the Agreement provides that the City of Richmond's obligation to provide funds to the City of Hercules may be reduced by the amount of any funding allocated under any future countywide transportation measure which allocates additional funding towards West Contra Costa County Ferry services and which is dedicated to Hercules Ferry Service; and

**WHEREAS**, the City of Richmond will have no financial obligations under the Agreement if ferry service to Hercules is not commenced prior to January 1, 2030; and

**WHEREAS**, by the agenda report (“Agenda Report”) accompanying this resolution the City Council has been provided with additional information upon which the findings and actions set forth in this Resolution are based.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council finds the above recitals are true and correct and have served, together with the Agenda Report, as the basis for the findings and actions set forth in this Resolution.

**BE IT FURTHER RESOLVED** that the City Council hereby authorizes the execution of the Agreement for Funding of Ferry Service to Hercules between the City of Richmond and the City of Hercules.

**BE IT FURTHER RESOLVED** that the City Council hereby authorizes the City Manager to negotiate revisions to the Agreement as needed to effectuate the intent of this Resolution.

**BE IT FURTHER RESOLVED** that the City Council designates the City Clerk as the custodian of the documents and other materials which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the City Clerk at the Richmond City Hall, 450 Civic Center Plaza, Richmond, California 94804.

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I hereby certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on December 16, 2014, by the following vote:

AYES:	Councilmembers Bates, Boozé, Butt, Myrick, Rogers, Vice Mayor Beckles and Mayor McLaughlin.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

DIANE HOLMES  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

BRUCE GOODMILLER  
City Attorney

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

I certify that the foregoing is a true copy of **Resolution No. 104-14**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on December 16, 2014.