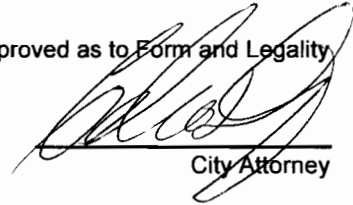


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 MAR 32 PM 4:50

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. 82597 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO FILE AN APPLICATION WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR POTENTIAL FEDERAL JOBS FOR MAIN STREET ACT OF 2010 FUNDING AND STATING THE ASSURANCE TO COMPLETE THE PROJECT

WHEREAS, the City of Oakland (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for approximately \$6,000,000 in funding from the federal Jobs for Main Street Act of 2010 for the Oakland Various Streets and Roads Rehabilitation Phase III project (herein referred as PROJECT) for the MTC Regional Jobs for Main Street Act Program (MTC Resolution No. 3943); and

WHEREAS, pursuant to the Jobs for Main Street Act of 2010, and any regulations and/or guidance promulgated thereunder, eligible project sponsors wishing to receive Regional Jobs for Main Street Act of 2010 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, the Metropolitan Transportation Commission (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) applicable to federal Jobs for Main Street Act of 2010 fund delivery and has adopted (or is scheduled to adopt) in MTC Resolution No. 3943 such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the Jobs for Main Street Act of 2010; and

WHEREAS, APPLICANT is an eligible project sponsor for Jobs for Main Street Act of 2010 funds; and

WHEREAS, as part of the application for Jobs for Main Street Act of 2010 funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) that the sponsor understands that the Jobs for Main Street Act of 2010 funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional Jobs for Main Street Act of 2010 or other MTC-programmed funds; and
- 2) that PROJECT will comply with the procedures specified in MTC's Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and with all project-specific requirements as set forth in MTC's Regional Jobs for Main Street Act Program (MTC Resolution N0. 3943); and PROJECT as described in the application, and if approved, as included in MTC's TIP; and
- 3) that PROJECT will comply with all the project-specific requirements as set forth in the federal Jobs for Main Street Act of 2010 and appropriate applicable regulations or guidance; now, therefore, be it

RESOLVED: That the City of Oakland is authorized to execute and file an application for funding under the Jobs for Main Street Act of 2010 for the Oakland Various Streets and Roads Rehabilitation Phase III; and be it

FURTHER RESOLVED: That the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT understands that the Jobs for Main Street Act of 2010 funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional Jobs for Main Street Act of 2010 or MTC-programmed funds; and
2. APPLICANT understands the funding deadlines associated with these funds and will comply with the applicable provisions and requirements of the Regional Jobs for main Street Program (MTC Resolution No. 3943) and Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
3. 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
4. PROJECT will comply with all the project-specific requirements as set forth in the Jobs for Main Street Act of 2010 and appropriate applicable regulations or guidance; and be it

FURTHER 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 Jobs for Main Street Act of 2010 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.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 16 2010

PASSED BY THE FOLLOWING VOTE:


AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California